I-II

GOVERNMENT AND ADMINISTRATION

OF THE

UNITED STATES

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NINTH SERIES

I-II

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OF THE

UNITED STATES

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GOVERNMENT AND ADMINISTRATION OF THE UNITED STATES.

CHAPTER I.

PREFACE.

These chapters were originally prepared for and used as a manual in the public schools of the District of Columbia. In a revised and amplified form they are now published as one of Johns Hopkins University Studies in History and Politics.

The aim of this revision is to furnish assistance to students beginning the study of the history and practical workings of our political institutions. It is not the purpose to furnish a complete text-book upon the government of the United States and its administration, but, by a clear, concise statement of the salient points of our federal system, and a description of the actual workings of the characteristic features of our institutions, to give to the student a better understanding of the manner in which the same are administered, than is to be obtained from the ordinary text-books on Civil Government.

These Outlines are intended as an aid to both teacher and pupil, and for use in a class whose members are already familiar with the leading events and names in United States history. The work is intended to furnish such supplementary information as can be obtained only with great difficulty by most teachers, and which for the most part cannot be obtained at all by the pupils.

The authors have endeavored to make prominent the fact that our present form of government is far from being contained in the written constitution of 1787, and consequently, that a study of that instrument alone will give a very inadequate idea of our government as it is. The constitution was but a foundation upon which to build a government.

Nothing like an analysis or commentary upon the constitution of the United States is here attempted. The public is already well supplied with books covering that ground. History proper, except as showing the basis and reason for the establishment of our institutions, has likewise found no place here.

The book is to be used chiefly as a manual, to supply information that would otherwise need to be dictated by the instructor. The Outlines are in many particulars merely suggestive. Many topics are simply mentioned, which the teacher must elaborate and explain at greater length.

Lastly, though this book does not pretend to give a connected account of our administration or politics, yet the subjects have been carefully arranged in such an order as would most naturally be followed in a course to which the work is intended to be an aid.

CHAPTER II.

GOVERNMENT.

From the earliest times of which history furnishes authentic record, and in all countries inhabited by man, people have found it necessary to bind themselves together by civic regulations so that certain things may be done by all in common—in short, to establish some form of government.

Now, as has always been the case, there are certain things which, from their very nature, cannot be left to each individual to do, or not to do, as he may choose, or to do in his own way. First of all, there is the necessity of some means by which the weak may be protected from the strong. The individual must be protected in his life and liberty, and there must be some guarantee to him, that if he is industrious the enjoyment of the product of his labor will be secured to him. Human nature being imperfect, disputes and injustice are sure to arise. Hence comes the necessity of some power above the citizens and able to command their obedience, some power that can administer justice according to the rights and not according to the strength of individuals.

To thus control the actions of individuals, this power above the citizens, this government, must possess functions of three kinds. First, legislative power, or power to declare the rules of conduct to which the citizen must conform; second, judicial power, or power to interpret and declare the true meaning of these rules, and to apply them to the particular cases that may arise; and third, the executive power, or power to carry into

execution these laws, and to enforce the obedience of the citizens.

To the student nothing could be more interesting and instructive, than to trace how, as tribes and nations have progressed in civilization, government has advanced in its development. How, as men have progressed, first from the condition of savage hunters to the roving feeders of flocks, then to tillers of the soil with fixed places of abode, and finally to builders of cities teeming with trade, commerce and manufactures; how as men have thus improved in civilization and material well-being, their mutual duties and common interests have become more and more important and numerous, and government as controlling these interests and duties, has developed in form and improved in structure until it has become an all-powerful, complex machine, controlling in many ways the actions, and even the lives of its citizens.

For thousands of years, governments have been developing and changing in form and functions, and a very large part of the history of the nations of the globe is identified with the history of the development and changes of their governments. As new conditions and needs have arisen, governments have adapted themselves to them. In some cases this has been done peacefully, as in England, and in others violently, by revolutionary means, as in France. In some cases functions previously exercised have been relinquished, in others, new powers have been assumed; but in the majority of cases, the change has been merely in the manner of exercising this or that power.

All peoples have not the same characteristics, nor have they developed under the same conditions of climate, soil or situation. Different nations have, therefore, developed for themselves different forms of government. Yet these governments, however different in their structures and administration, are in all cases distinctly referable to four well defined types: Monarchy, Aristocracy, Democracy, and the Republic.

Monarchy.—A monarchy is a nation at whose head is a personal ruler, called King, Emperor, or Czar, who has control of the government, appoints the principal officers of state, and to whom in theory at least, these appointees are responsible for their actions. Thus England, Germany, Spain, Italy, Sweden, and others are monarchies. The sovereign holds his position for life, and usually acquires his throne by inheritance. Where the crown is nominally elective, as in England, kingship is practically hereditary, the regular line of descent being departed from only upon rare occasions.

The amount of power actually exercised, the responsibility borne by the sovereign varies widely in different countries, and upon the basis of these differences monarchial forms of government are classified under the two heads, Absolute and Limited Monarchies.

An Absolute Monarchy.—An absolute monarchy is one in which the sovereign or ruler is possessed of supreme power and authority, and controls absolutely, without limitation or interference, all the powers of government. His word is law and requires not the sanction of the people. His commands are absolute and require not the formality of judicial procedure, and are not necessarily in conformity with existing laws. Implicit obedience to his commands, however arbitrary, may be demanded, and there is no appeal. These are, theoretically, the powers of the absolute monarch. Practically, however, he is constrained to keep within fair bounds of justice and good policy, lest his subjects be goaded to rebellion and revolution. The absolute form of monarchy exists to-day in the empires of Russia and Turkey.

A Limited Monarchy.—A limited monarchy is one in in which the ruler, though at the head of the government, is not absolute, but is limited in his powers by the action of a body of men, selected by the people, who make the laws by which the nation is to be governed. The respective rights and powers of the sovereign and of the law-making body, are determined by a collection of rules, written or unwritten, col-

lectively known as the constitution. The constitution contains the fundamental law of the land. All acts of the government to be valid, must be constitutional, that is to say, in conformity with the rules laid down in the constitution. For this reason limited monarchies are also known by the name of Constitutional Monarchies.

England is the most conspicuous example of a limited or constitutional monarchy. In consideration of our former connection with her, and the extent to which we have derived our ideas of government from her political institutions, it will be of great assistance to us if we stop for a moment to consider her government, before proceeding to a study of our own.

The sovereign of England is termed King or Queen. Originally possessed of almost absolute power, the English ruler, at the present day possesses very little actual power and influence, much less in fact than the people of the United States have entrusted to their President. The constitutional history of England is largely the narrative of the successive steps by which the people have wrested from royal hands and taken under their own control, the powers of government.

The rights of the English people in the participation of their own government are not contained in the written document, such as we possess in our constitution, but rest upon established custom and precedent, and various charters wrested from their kings.

The English Parliament, or, to speak more exactly, the lower branch of the Parliament, called the House of Commons, rules the English people. The Parliament or law-making branch of the English government, is divided into two houses, the House of Lords, and the House of Commons. The House of Lords is, as its name denotes, composed mainly of members of the noble families of England, who owe their seat in that body to the chance of birth. Theoretically possessed of powers of legislation equal to those exercised by the lower and more numerous branch (the Commons), the Lords have in reality but a small voice in the control of public affairs. The House

of Commons is composed of members elected by the people. In this body reside almost all the powers of government. Its acts require the assent of the House of Lords and of the King, but this assent is almost wholly formal. The sphere of legislation allowed the English Parliament is unlimited, differing in this respect fundamentally from our Congress, which is limited in its legislative field by the Constitution. From the English Parliament is selected the "Cabinet" consisting of the principal executive officials, who guide the House in its legislation, and at the same time conduct the executive affairs of the nation. These ministers, as they are called, are appointed by the king from the party in the majority in the House of Commons. They are responsible to that body for all their actions, and retain their offices only so long as they retain the confidence and good will of the Commons.

An Aristocracy.—An aristocracy is a government in the hands of a select few, called the aristocracy, who transmit this authority to their children. There are to-day no aristocratic governments proper, though many nations exhibit aristocratic tendencies. In nearly all of the European countries, one branch, at least, of their legislatures is composed of members holding their seats on account of noble birth, thus admitting the aristocratic element into their governments.

Democracy.—A pure democracy is a government in which all the people rule directly, meeting in popular assemblies in which is determined by the votes of the majority how the government is to be administered. This form of government is obviously possible only in very small communities. Several of the Grecian states governed themselves after this manner. No perfect example of a nation with this form of government can be said to exist at this time. The nearest approach to pure democracy is found in certain cantons of Switzerland. The Roman historian Tacitus tells us that the early Germans governed themselves in a purely democratic manner, and the first governments of several of our American colonies were of the democratic type. When we come to the

study of local government in the United States we shall see the democratic form followed in the New England Town Meetings.

Republic.—A republic is a democracy adapted by means of the introduction of the representative principle, to the government of a large and widely separated people. Under this form of government the people rule themselves, not directly, as in a democracy, but through agents or representatives of their own selection. The participation of the people in their own government consists therefore merely in the choice of officers to represent them and carry out their wishes. There exist at present several republics, the tendency seeming to be for nations to approach more nearly this form of government. France has been, since 1870, the best European example of a republic. Our own government—the United States of America—is to us the most interesting and important example of a republic.

Popular Government.—By the word 'popular' is meant, of or by the people, and by popular government is to be understood a government in the administration of which the people as a whole participate. Every change by which new and greater political powers are given into the hands of the common people is considered a step towards the full realization of popular government. During the last one hundred years great strides have been made in this direction by all European nations except Turkey and Russia. The extent to which this movement towards popular control of government can be safely and successfully carried is a question of very great importance. To a very large extent it depends upon the intelligence, previous training, and natural political ability of the people who are to be entrusted with their own government.

CHAPTER III.

The Functions of Government.

Broadly speaking, the functions performed by government are of a threefold order: the establishment, interpretation, and enforcement of laws. A division of government into three branches is thus called for: the legislative, the judicial and the executive. The manner in which these departments are related to each other, the extent to which they are vested in the same hands, and the degree in which they are separate from each other and independent in their workings, differ in different countries. In England, as we have seen, the executive and legislative functions are closely united. In our government, as we shall see when we come to consider its structure, complete independence of the three departments has been aimed at.

All statesmen agree that a good government should possess ample power to interpret its own laws, and sufficient strength to fully enforce them. When we come, however, to the question of what are the proper subjects for control by government, and what for free management by individuals, we reach a subject upon which writers and thinkers have been unable to agree.

Under the great question, over how broad a field it is expedient and right to extend the activities of government, are embraced many of the great topics at present agitating the public mind. Difference upon this point has been one of the underlying causes of the existence of political parties in the United States, and has furnished one of the real springs of

our history. Communism, socialism, and anarchy, may be embraced under this question. This it is that makes the study of the principles of government, especially in the United States, so important to every one who would understand the political life around him, and be able to form an intelligent decision upon the questions of the day. Shall the nation or the state own and manage the railroads, the telegraph lines, and the canals? Shall education receive the support of the state? Shall the employment of women and children in mines and factories be regulated by law? Shall the city own its own street railways, its markets, its water and gas supply, its telephones, and its water fronts? Shall this or that duty be delegated to the city or to the state, or shall it be left to the chance performance of individuals or corporations? These are some of the many questions of supreme importance that meet us at every point, and the better we understand the true nature and structure of our government, the better shall we be able to give intelligent answers.

Among the many functions of government, there are many so obviously necessary to the existence of a nation, however organized, that there is no discussion concerning the expediency of their exercise by the state. We may, therefore, group governmental duties under two heads: the necessary, and the optionable; or, as Professor Wilson has named them, the *Constituent* and the *Ministrant*.[1] Under the first head is embraced all those functions which *must* exist under every form of government; and under the second title those "undertaken, not by way of governing, but by way of advancing the general interests of society." The following is Professor Wilson's classification:

I. The Necessary or Constituent Functions.—

(1). The keeping of order and providing for the protection of persons and property from violence and robbery.

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[1] Wilson, *The State*, Section 1232.

(2). The fixing of the legal relations between man and wife, and between parents and children.

(3). The regulation of the holding, transmission, and interchange of property, and determination of its liabilities for debt or for crime.

(4). The determination of contract rights between individuals.

(5). The definition and punishment of crime.

(6). The administration of justice in civil causes.

(7). The determination of the political duties, privileges, and relations of citizens.

(8). Dealings of the state with foreign powers; the preservation of the state from external danger or encroachment, and the advancement of its intellectual interests.

II. Optional or Ministrant Functions.

(1). The regulation of trade and industry. Under this head we must include the coinage of money, and the establishment of standard weights and measures, laws against forestalling, engrossing, the licensing of trades, etc., as well as the great matters of tariffs, navigation laws, and the like.

(2). The regulation of labor.

(3). The maintenance of thoroughfares, including state management of railways, and that great group of undertakings which we embrace within the comprehensive terms 'Internal Improvements,' or 'The Development of the Country.'

(4). The maintenance of postal and telegraph systems, which is very similar in principle to (3).

(5). The manufacture and distribution of gas, the maintenance of water-works, &c.

(6). Sanitation, including the regulation of trades for sanitary purposes.

(7). Education.

(8). Care of the poor and incapable.

(9). Care and cultivation of forests and like matters, such as stocking of rivers with fish.

(10). Sumptuary laws, such as 'prohibition' laws.

Under this second head have been included by no means all of the functions whose exercise by the government has been attempted or proposed, but they show the principal ones, and serve to indicate the nature of the optional field of governmental activity.

CHAPTER IV.

Colonial Governments; Their Relation to Each Other, and to England.

To understand clearly the early history of our country; to appreciate the reasons for the grievances of the colonists against their mother country; and to gain an intelligent idea of the events of that most critical period of our history, when the colonies, then free, were in doubt as to the nature of the federal government they should adopt; properly to understand all these facts, it is of essential importance that we should gain a correct knowledge of the condition of the colonies during those times, their relations to one another, their governmental connection with and attitude towards England.

The thirteen American colonies, which in 1775 dared defy the might of Great Britain, and which in a stubborn struggle were able to win their independence, were settled at various times, and by colonists actuated by widely different motives. At the time of the beginning of their resistance to the oppressive acts of their mother country, they were, in their governments, entirely separate from and independent of each other. "Though the colonies had a common origin, and owed a common allegiance to England, and the inhabitants of each were British subjects, they had no direct political connection with each other. Each in a limited sense, was sovereign within its own territory. . . . The assembly of one province could not make laws for another. . . . As colonists they were also excluded from all connection with foreign states. They were known only as dependencies. They

followed the fate of their mother country both in peace and war. . . . They could not form any treaty, even among themselves, without the consent of England."[1]

All the colonies did not bear the same relation to the English government. Owing to the different manner in which the right of settlement, and occupancy of the soil had been obtained from the king, the colonies had obtained different rights of government, and were placed under different obligations to the crown. There came thus to be three types of colonial governments; the provincial or royal, the proprietary, and charter governments.

I. Provincial Colonies.—Those colonies which possessed a provincial form of government were royal colonies, being governed almost entirely by England, as she governs many of her colonies to-day. At the head of each was a Governor appointed by the King of England. He was assisted by a council, also appointed by the king. The constitution and laws for this form of government were contained in the commission and instruction given to the Governor by the English government. By them the Governor was empowered to summon a representative assembly. The legislative body consisted, then, of the Governor, his council, appointed by the king, and a lower house elected by the people. The Governor had the right of veto, and the power to dissolve the assembly. The legislature could make laws, provided they were not repugnant to the laws of England. These laws were subject to the approval of the Crown. The governor, with the advice of his council, could erect courts, appoint judges, levy forces, etc. From the highest courts in all the colonies an appeal lay to the English King in Council.

II. Proprietary Colonies.—The English King often gave to individuals large tracts of land in the New World. In addition to ownership of the soil, was given in many cases the right to establish civil government. These proprietors

[1] Story's *Commentaries on the Constitution*, Vol. I, p. 163.

had all the inferior royalties and subordinate powers of legislation. The proprietor could appoint or dismiss the governor, he could invest him with the power to convene a legislature, with power to veto its acts according to his wishes, and to perform all other powers of a governor. All laws made, those of Maryland excepted, were subject to the approval of the English Crown.

III. Charter Colonies.—Colonies under this form of government were so called from their possessing constitutions for their general political government. These written constitutions were charters obtained from the King, in which were granted to the people of the colony certain privileges and rights of self-government which the English government could not justly take away from them. One of the unjust acts that did much to arouse the colonists to resistance, was the attempt of the English government in 1774, to annul the charter of Massachusetts by the Regulation Act. In this act was contained a precedent that (as Curtis says) "justly alarmed the entire continent, and in its principle affected all the colonies, since it assumed that none of them possessed constitutional rights which could not be altered or taken away by an act of Parliament." The charters were very liberal, granting almost entire self-government. As in the royal colonies, the executive was a governor, and the law-making branch a legislature of two houses.

In Massachusetts the governor was appointed by the Crown, and had a veto power. The Council or upper branch of the legislature was chosen annually by the lower house, but the governor had a right of veto on their choice. The lower house was elected by the people. In Connecticut and Rhode Island the governor, council, together with the assembly were chosen annually by popular vote, and all officers were appointed by them. In these two the governor had no right of veto, and the laws before going into execution did not require the royal approval.

Seven of the original colonies began under proprietary governments—New York, Pennsylvania, Delaware, North and

South Carolina, Maryland and New Jersey. Of these, four —New York, New Jersey, North and South Carolina— became eventually provincial colonies, and Maryland was at one time a proprietary.

Three of the colonies, Massachusetts, Connecticut and Rhode Island, were settled under charters that were never surrendered. Three others, Virginia, Georgia and New Hampshire possessed charters for a while, but eventually became royal colonies.

Notwithstanding these diversities of government that have been pointed out, there were many features common to all the colonies. All considered themselves dependencies of the British Crown. All the colonists claimed the enjoyment of the privileges and rights of British-born subjects, and the benefit of the common law of England. The laws of all were required to be not repugnant to, but, as nearly as possible, in conformity with the laws of England. In all the colonies local legislatures existed, at least one branch of which consisted of representatives chosen by the people.

The general condition of the colonies at the time of the outbreak of the Revolutionary War, so far at least as concerns their governments, has now been given. What were the grounds upon which the colonists justified their resistance to the acts of English government?

In the first place, they claimed that their rights were received from, and their allegiance was due to the King, not to the Parliament. The colonists said the King was the only tie that bound them to England; that Parliament was composed of representatives from England alone, and therefore had powers of legislation only for England. Later, however, it was conceded that in matters of general interest to the whole United Kingdom, Parliament might exercise control, but that concerning all matters of domestic and internal interest, and of concern only to themselves, it was the right of their own legislatures to legislate, and that under this head came taxation.

Says Story:[1] "Perhaps the best summary of the rights and liberties asserted by all the colonies is contained in the celebrated declaration drawn up by the Congress of nine colonies assembled at New York in October, 1765 (Stamp Act Congress). That declaration asserted that the colonists 'owe the same allegiance to the Crown of Great Britain that is owing from his subjects born within the realm, and all due subordination to that august body, the parliament of Great Britain.' That the colonists 'are entitled to all the inherent rights and liberties of his (the King's) natural born subjects within the kingdom of Great Britain. That it is inseparably essential to the freedom of a people, and the undoubted rights of Englishmen, that no taxes be imposed on them but with their own consent given personally or by their representatives.' That the 'people of the colonies are not, and from their local circumstances cannot be represented in the House of Commons of Great Britain. That the only representatives of these colonies are persons chosen by themselves therein; and that no taxes ever have been or can be constitutionally imposed upon them but by their respective legislatures, and that trial by jury is the inherent and invaluable right of every British subject in these colonies.'"

In opposition to these views, the English government held that Parliament had the authority to bind the colonies in all matters whatsoever, and that there were no vested rights possessed by the colonies, that could not be altered or annulled if Parliament so desired.

At the beginning of the Revolutionary War, complete independence was not claimed by the colonies. It was not until July 4, 1776, that they were driven to a declaration of full and entire independence and self-government. By this declaration the colonies threw off their colonial character, and assumed the position of states. This they did by simply taking into their own hands the powers previously exercised by

[1] *Commentaries*, Vol. I, p. 175.

the English King and Parliament. In the state constitutions which many colonies formed during the year, their old colonial forms of government were closely followed. Connecticut and Rhode Island, in fact, merely declared their allegiance to England absolved, and retained unchanged their old charters as their fundamental law. In Connecticut no other state constitution was adopted until 1818, nor in Rhode Island until 1842.

CHAPTER V.

Steps Toward Union.—Articles of Confederation.

Previous to 1774 the thirteen English colonies in America had had no political or governmental connection with each other. Any attempt on their part to unite without the consent of the English King or Parliament would have been considered an act beyond their powers and as insubordination towards the English government.

New England Confederation.—In 1643 there was formed a union of the four colonies of Connecticut, New Hampshire, Plymouth, and Massachusetts Bay, termed the "New England Confederation," which lasted forty years; but this was merely a union for mutual protection against their common foes, the French, the Dutch, and the Indians, and not for joint legislation or government. It was a defensive alliance.

The Albany Convention.—(Franklin's Plan.) In 1754, however, there was held a meeting of the colonies of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland, called the "Albany Convention," in which was proposed a union of all the colonies under one government. Benjamin Franklin, the chief promoter of this scheme, drew up an elaborate constitution which was to be adopted. According to this plan there was to be a chief executive, elected by the king, and a council of 48 members, to be chosen by the legislatures of the several colonies. This scheme failed to obtain either the consent of the king or of the colonies themselves. It was too much of a union to suit the king, and not enough for the colonies.

The Stamp Act Congress.—The indignation aroused by the attempt of England to tax her colonies without allowing them a voice in the Parliament which imposed such taxes, gave rise in 1765 to a meeting of delegates from eight of the colonies. This assembly was called the "Stamp Act Congress." The obnoxious Stamp Act was repealed, but England continued to impose other taxes.

First Continental Congress.—An invitation was sent out by Virginia to all the colonies, calling a meeting of delegates to consider what could be done by their united action to resist their common grievance. Thus met the "First Continental Congress" in 1774, in which all the colonies but Georgia were represented. This Congress adopted a declaration of rights and grievances. The colonies maintained that as long as they were unrepresented in the English legislature (Parliament), taxes should be imposed only by their own legislatures; also, that they were entitled to the rights, liberties, and immunities of free, natural-born subjects within the realm of England.

The Second Continental Congress.—On May 10, 1775, assembled the Second Continental Congress, in which all the thirteen colonies were represented. The battle of Lexington had then been fought, and blood had been shed. Though the colonies had as yet no intention of throwing off all connection with England, they were now prepared to resist with arms any invasion of their rights. The work performed by this body has been concisely and forcibly stated by Schouler.[1] He says: "Thus originated that remarkable body known as the Continental Congress, which, with its periodical sessions and frequent changes of membership, bore for fifteen years the symbols of Federal power in America; which, as a single house of deputies acting by Colonies or States, and blending with legislative authority, imperfect executive and judicial functions, raised armies, laid taxes, contracted a

[1] *Hist. U. S.*, Vol. I, p. 13.

common debt, negotiated foreign treaties, made war and peace; which, in the name and with the assumed warrant of the thirteen colonies, declared their independence of Great Britain, and by God's blessing accomplished it; which, having framed and promulgated a plan of general confederation, persuaded these same thirteen republics to adopt it, each making a sacrifice of its sovereignty for the sake of establishing a perpetual league, to be known as the United States of America, a league preserved until in the fulness of time came a more perfect Union."

The acts of this Congress were the *first legislative acts by the joint action of the colonies.*

The Second Continental Congress was essentially a revolutionary body. That is to say, the authority for its acts rested upon no definite grant of powers by the colonies, but was assumed by it to meet the crisis of war. Properly speaking, it could hardly be called a government. It was more in the nature of a directing advisory committee. Its commands possessed a recommendatory character only, and it was entirely without executive officers, or legal control over either individuals or the colonies.

The Articles of Confederation.—A stronger central power than that afforded by the Continental Congress was seen to be a necessity. Accordingly, in 1777, there was drawn up a scheme of union embraced in a paper termed "The Articles of Confederation." These articles, though adopted as early as 1777, did not go into effect until 1781, the provision being that they should not be considered as in force until ratified by *all* the colonies, and several refused to ratify until all state claims to western territory were relinquished in favor of the National Government.

Elements Tending to Separation and Those Tending to Union.—We must remember that this was a union of thirteen previously separate colonies. The facts which had tended to keep them apart had been the difficulty of travel and communication between the colonies, the lack of

commercial intercourse, but more than all, their local jealousies. The small States feared the larger; commercial jealousies were very keen. In 1756 Georgia and South Carolina actually came to blows over a dispute as to the navigation of the Savannah river. Other disputes about boundaries were frequent. Colonies with good harbors and seaports desired to keep the benefits of them exclusively to themselves. At that time, too, the people of the thirteen colonies were far more widely separated in their forms of government, their industrial habits and social customs than they now are. On the other hand, the old facts which tended to urge on a common union between them were common race, language, and nationality, many similar political institutions, and, most of all, common interests and a common peril.

The Purposes of the Confederation.—The purposes of this Confederation are best stated by giving Article III of the Articles:

"The said States hereby severally enter into a firm league of friendship with each other for their common defense and security of their liberties and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretext whatever."

Scheme of Government under the Articles of Confederation.—The Articles of Confederation established a framework of government for the confederated colonies, which government was to control those matters that experience had shown could be executed only by united action. As a scheme of government it was no better than a makeshift. It was an effort to form a federal power without diminishing the powers of the States—an effort "to pare off slices of state government without diminishing the loaf." That such a union could be perpetual, as the scheme professed, was impossible.

Under these Articles of Confederation the sole functions of the federal authority, legislative, executive, and judicial, were vested in a Continental Congress, consisting of a single house of delegates, who voted by States, and were appointed annually in such a manner as the respective States directed. Each State was entitled to not less than two nor more than seven delegates, a majority of whom decided the vote of the State in question. The executive functions were largely performed by a Committee of States, which was empowered to sit during recesses. For all important measures the vote of every State was required. The vote of all thirteen was required for an amendment.

Defects of the Articles of Confederation.—In this scheme of union there were many fatal defects. The principal of these defects were—

1. The want of some compulsory means of enforcing obedience to the acts of Congress. The articles provided neither an executive power nor a national judiciary worth mentioning. As one writer has said: "Congress could declare everything, but do nothing." A single colony could with impunity disregard any decree of the Congress.

2. The large vote required to pass all important measures.

3. The absence of the right to regulate foreign commerce, and make duties uniform, and to collect those duties. This defect, as we shall find, was one of the most vital, and more than any thing else decreed the failure of the practical working of the Confederation, and showed the necessity of a better and stronger National government.

4. The virtual impossibility of amendment. Since a unanimous vote was required, the selfish interest of one State could, and did, stand in the way of an amendment beneficial and necessary to the other twelve.

5. There was no power to enforce treaties. Foreign countries recognized this, and therefore refused to enter into any treaties with us. Washington said: "We are one nation to-day, and thirteen to-morrow. Who will treat with us on such terms."

England refused to carry out the conditions of the treaty of 1783, and continued to keep troops on our Western borders.

6. The central authority had insufficient power to control disputes arising between the States.

7. The lack of a Federal judiciary.

8. Lack of power to collect taxes, or to raise revenue to defray even the ordinary expenses of government. This was the most striking and important defect of them all. The whole power given to Congress under this head was the power "to ascertain the sum necessary to be raised for the service of the United States, and apportion the rate or proportion on each State." The collection of such taxes was left to the States themselves, and if they refused (as they frequently did) the Federal Government had no power to compel them.

Our present better government was "wrung from the grinding necessities of a reluctant people."

Adoption of the Constitution.—Actual hostilities ceased in 1781. In 1783 peace with England was declared, and the independence of the colonies was achieved. The war left the American people with an empty treasury, and a country drained of its wealth and impoverished by the exhaustive struggle. It left us with a large national debt, both to our own citizens and friends abroad, and most of all, left us with an army of unpaid patriotic soldiers. And no sooner had foreign danger been removed than domestic troubles arose which filled all with gloomy forebodings for the future. With the loss of that cohesive principle which common danger supplied them, the colonies now began to fall apart. Even during the progress of the war the weakness of the Union had shown itself. Washington unhesitatingly declared that it was the lack of sufficient central authority that caused the prolongation of the war. One instance will show how weak was the Federal authority. During the summer of 1783, when Congress was at Philadelphia, some eighty deserters from the army so threatened Congress as to force a removal of our

Federal capital from that place to Princeton. The Continental finances were in a deplorable condition. Congress could not even collect sufficient taxes for the payment of the interest on the public debt. The States could, and often did, refuse to pay their proportion of taxes imposed upon them by Congress. Congress made a last attempt, in 1785, to raise a revenue by a tax on imported goods, but this measure failed, New York refusing to ratify. Congress, indeed, did not collect one-fourth of her demands. Commerce was going to ruin. England refused to allow our country the rich trade with the West Indies. To these troubles were added the mutual jealousies and selfishness of the States. Each of them tried to attract commerce to itself, and passed laws hurtful to the other States.

The people in Massachusetts were in insurrection. The French minister wrote to his country: "There is now no general government in America—no head, no Congress, no administrative departments."

For all these evils the limited and imperfect powers conferred upon the Federal Government by the articles of Confederation afforded no adequate remedy. Even the Constitutional Congress was now in danger of breaking up. States, to save expense, neglected to send delegates, and repeated appeals had to be made to get representation from nine States so as to pass important measures. A better union was seen by all thoughtful citizens to be necessary, but very difficult to obtain, owing to inter-state differences. The idea of having a convention separate from the Congress, whose work should be the framing of a stronger government, gradually gained ground.

The Constitutional Convention was obtained in a roundabout way, and only after repeated failures. The first attempt to obtain an assembly of representatives was made at Annapolis, Maryland. Only five States sent representatives, and the convention accordingly adjourned to Philadelphia, where in May, 1778, delegates from all the States, except Rhode Island, finally assembled.

CHAPTER VI.

Adoption of the Constitution.

The Constitutional Convention.—Fifty-five delegates were present. With scarcely an exception they were all clear-headed, able, and moderate men. Virginia sent Washington, Madison, Edmund Randolph; Pennsylvania sent Benjamin Franklin, Robert Morris, and James Wilson; New York sent Alexander Hamilton; New Jersey, Patterson; and South Carolina, the two Pinckneys. Washington was chosen President of the Convention. Two rules were adopted: 1st, proceedings were to be secret, and 2d, one vote was to be given to each State, thus making it of no importance whether a State had a large or small delegation.

Though the delegates had thus assembled to form a better and new union, they differed widely in their views as to what changes were necessary, and as to what powers should be given to the Federal Government, and what retained by the States. Some desired merely a change of the existing Articles of Confederation, more power being granted, however, to the Federal Government; while others wished for an entirely new Constitution.

The convention at once divided into two parties. The one representing the small States, such as New Jersey and Delaware; and the other, the larger States, such as Virginia, New York and Massachusetts. The plan brought forward by the party of the large States was that presented to the convention by Edmund Randolph, of Virginia, and generally known as the National or Large State Plan. This plan proposed a congress

of two houses, having power to legislate on all National matters, and to compel obedience on the part of the States. Representation in both houses was to be based on population, thus giving to the larger, and more populous, States the control of both branches of the legislature; and, also, since by this scheme the president, executive officers, and judges were to be appointed by Congress, control of the whole administration of the new government.

On behalf of the small States, Patterson, of New Jersey, introduced what is called the New Jersey plan. By this plan the old Federal Congress was to be continued with its single house of legislature, and equal State vote.

The great point upon which the two plans differed, was as to how representation in the legislature should be apportioned among the States; whether it should be according to population, and with two houses, or whether there should be but one house, in which each State should have an equal vote. The question was settled by a compromise. It was agreed that there should be a legislature of two houses, a Senate or upper and less numerous branch; and the House of Representatives, the popular and more numerous lower branch. In the Senate each State was to have an equal representation, thus putting the large and small States on an equal footing. On the other hand, in the House of Representatives representation was to be according to population, thus favoring the larger States.

Another point upon which the convention differed was concerning the slave trade; whether it should, or should not, be allowed to continue. This question was also compromised, it being agreed to permit its continuance for twenty years (until 1808), after which all importation of slaves might be prohibited.

Yet another point in dispute was whether the slaves should, or should not, be counted in estimating the population of the States, in order to determine the number of representatives to which each State should be entitled. This likewise was

compromised. It was agreed that five slaves should be counted equivalent to three white men.

These three main points being settled by compromises, other parts of the government, such as a single chief executive, a Federal judiciary, and the decision as to what powers should be given to the President, what to the Senate, and what to the House, were more easily arranged, and the convention adjourned September 17, 1787, having been in session a little over four months. Thus was prepared the Constitution under which we are now living—an achievement declared by Guizot to be the greatest work of its kind, and by Gladstone to be the greatest work ever struck out at one time by the hand of man.

The Constitution having been agreed to in convention, it was now submitted to the vote of each of the colonies for acceptance. It was decided in this convention that it should be considered as ratified, and should go into effect as soon as accepted by nine of the thirteen States.

The adoption or rejection of the Constitution now became a question which claimed the entire attention of the States, and it is during this contest that we find the origin of the first political parties in the United States. Those favoring the adoption of the Constitution were called "Federalists" and those opposing it "Anti-Federalists."

Arguments For and Against Adoption.—The Federalist party was composed of those men who were desirous of a strong central government, and for this reason favored the Constitution. This party was especially strong in New England, largely because New England, being the commercial part of the colonies, had had the lamentable weakness of the old confederation brought home to them the more forcibly by the disorganization and loss of commerce which the Continental Congress had been unable to regulate.

The Anti-Federalists were those who wished the State governments to be kept strong, and that there should be a comparatively weak central government.

The argument used by the Federalists for the adoption of the Constitution was, that only by correcting all those defects of the Confederation which have been pointed out, could order and prosperity be restored to the country. They said that the Constitution, being a series of compromises, could not please everyone in all respects, but that it was the best that could be obtained under the circumstances. Their arguments appeared in a remarkable collection of eighty-five essays, called the "Federalist," written by Alexander Hamilton in company with John Jay and James Madison. In these were explained all the points of the Constitution, and to this day they remain the best exposition of the Constitution ever written.

The objections raised by the Anti-Federalists were many. In the first place, it was of course objected that it gave to the central government too much power; that state government and State liberty would be crushed out. The State was then as dear to the citizen as is the National Government to us to-day. Patriotism was then devotion to the State. The colonists had suffered so much from control over their state governments by an outside strong government, that they were fearful of again putting themselves under a strong national government though of their own making. In warning terms it was declared it would be a government founded upon the destruction of the governments of the several States. They said, "Congress may monopolize every source of revenue, and thus indirectly demolish the State governments, for without funds they cannot exist." These elements of State love and jealousy of the Federal power are of the utmost importance in studying our history. We see them running through all our life as the main causes of division between political parties. (See later chapter on "Introduction to History of Political Parties.")

Another objection was, that the Constitution contained no definite "bill of rights" recognizing and guaranteeing fundamental personal liberties, such as freedom of speech, liberty of the press, assurance against unjust arrest, the right to bear arms, and trial by jury in civil cases, etc. This class of objections was satisfied by the adoption of the first ten constitutional

amendments. It was also claimed by those opposed to the ratification, that inasmuch as the Constitution placed no limit to the number of terms which a President might serve, one man might become so powerful as to obtain a life-tenure of office, and thus the government would degenerate into a monarchy. To show how exaggerated were the fears during this critical period of our history, we have the report that it was actually claimed and believed by many at that time that the Federalists had the secret intention of inviting over to our country some European prince who should rule as king. Patrick Henry cried, "We shall have a king; the army will salute him monarch." Though not fixed by the Constitution, it has been since the time of Washington the invariable rule that no man shall be elected for more than two terms. The friends of President Grant attempted to have him nominated for a third time, but so strong was this prejudice that, popular as he was at that time, the plan failed.

For nine months the struggle was waged fiercely in the States, but the Federalists prevailed. In June, 1788, the ninth State ratified, and adoption was assured. Congress fixed the first Wednesday in January for the election of presidential electors, the first Wednesday in February for the meeting of the electors and election of the President, and the first Wednesday in March, 1789, for the inauguration of the President and the beginning of the new government. This last date fell upon the 4th of March, which date has from that time served as the day for the inauguration of our presidents. Owing to a delay in the assembling of the new Congress, Washington was not inaugurated, nor our present government instituted, until April 30, 1789.

Thus was founded our present government, which has stood the test of a century. When adopted there were thirteen States; now there are forty-four. The inhabited area was then the narrow strip between the Atlantic Ocean and the Allegheny Mountains, with a population of scarcely 3,000,000. Now the United States stretches 3,000 miles from ocean to ocean, and contains a population of over sixty millions.

CHAPTER VII.

Presidential Succession.

The provisions of the Constitution regarding the Presidential succession, in case of the death or resignation of both President and Vice-President, are: "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected." (Article II, section 6.)

In pursuance of the power thus granted to it in the last half of this section, Congress in 1792 passed an act declaring that in case of the death, resignation, etc., of both the President and Vice-President, the succession should be first to the President of the Senate and then to the Speaker of the House.

This order was changed by the act of 1886, which provided that the succession to the presidency should be as follows:

1. President.
2. Vice-President.
3. Secretary of State.
4. Secretary of the Treasury.
5. Secretary of War.
6. Secretary of the Navy.
7. Postmaster General.
8. Secretary of the Interior.

9. Attorney General.

In all cases the remainder of the four-years' term shall be served out. This act also regulated the counting of the votes of the electors by Congress, and the determination of who were legally chosen electors.

NOTE.—The Constitution made no provision in case of a contested election, or when no one should be elected. Such a contingency seemed to have been overlooked in the framing of the Constitution.

CHAPTER VIII.

Election of Senators.

The provisions of the Constitution regarding the election of senators were as follows: "The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof, for six years; and each senator shall have one vote." (Article I, section 3, paragraph 1.) "The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators." (Article I, section 4, paragraph 1.)

Until 1866 this matter was left entirely to the States, as permitted by the section of the Constitution just given. In that year an act was passed by the Federal Congress regulating the election of senators by the State Legislatures. By it was provided that the Legislature of each State, which is chosen next preceding the expiration of the term of either of their senators, shall on the second Tuesday after assembling elect a senator in the following manner: Each House shall by open ballot (*viva voce*) choose some man for senator, and he who receives a majority of the total number of votes cast in such House is entered on the journal of that House. At noon on the following day the members of the two Houses convene in joint assembly, and the journal of each House is then read, and if the same person has received a majority of the votes of each House he is declared duly elected senator. But if not, the joint assembly then proceeds to choose by a *viva voce* vote of

each member present, a person for senator, and the person who receives a majority of all the votes of the joint assembly—a majority of all the members elected to both Houses being present and voting—is declared duly elected. If no person receives such a majority on the first day, the joint assembly meets at noon on each succeeding day during the session of the Legislature, and takes at least one vote until a senator is elected. Vacancies among representatives to Congress are filled in a similar manner. In case of a vacancy occurring in the Senate or House of Representatives during the recess of the State Legislature, the governor appoints a man to fill the place, his appointee holding until a successor shall be chosen in the above method by the State Legislature.

CHAPTER IX.

Congressional Government.

The Constitution created Congress and conferred upon it powers of legislation for national purposes, but made no provision as to the method by which these powers should be exercised. In consequence Congress has itself developed a method of transacting its business by means of committees.

The Federal Legislature consists of two Houses—the Senate, or Upper and less numerous branch, and the House of Representatives, or the Lower and more numerous popular branch.

The Senate is composed of two members from each State elected by the state legislatures for a term of six years, one-third of whom retire every two years. The presiding officer is the Vice-President. Early in each session, the Senate chooses a President *pro tempore*, so as to provide for any absence of the Vice-President, whether caused by death, sickness, or for other reasons.

The House of Representatives is at present composed of 332 members and four delegates from the Territories. These delegates, however, have no vote, though they may speak. The House is presided over by a speaker, elected at the beginning of each session. A quorum for business is, in either House, a majority.

Congress meets every year in the beginning of December. Each Congress lasts two years and holds two sessions—a long and a short session. The long session lasts from December to midsummer. The short session lasts from December, when Congress meets again, until the 4th of March. The term of office then expires for all the members of the

House, and for one-third of the Senators. The long session ends in even years (1880 and 1882, etc.), and the short session in odd years (1881 and 1883). Extra sessions may be called by the President for urgent business.

In the early part of the November preceding the end of the short session of Congress, occurs the election of Representatives. Congressmen then elected do not take their seats until thirteen months later, that is, at the reassembling of Congress in December of the year following, unless an extra session is called. The Senate frequently holds secret, or, as they are called, executive sessions, for the consideration of treaties and nominations of the President, in which the House of Representatives has no voice. It is then said to sit with closed doors.

An immense amount of business must necessarily be transacted by a Congress that legislates for nearly sixty-three millions of people, inhabiting a territory of over three and a half millions of square miles.

Lack of time, of course, prevents a consideration of each bill separately by the whole legislature. To provide a means by which each subject may receive investigation and consideration, a plan is used by which the members of both branches of Congress are divided into committees. Each committee busies itself with a certain class of business, and bills when introduced are referred to this or that committee for consideration, according to the subjects to which the bills relate. Thus, for example, affairs relating to Washington are handed over to what is known as the District Committee, a regular appropriation bill to the Committee on Appropriations, etc. These committees consider these bills carefully, frequently taking the testimony of outside persons to discover the advisability of each bill. The regular course through which a bill has to go before becoming an act—*i. e.*, to pass both houses and receive the signature of the President—is as follows: On Mondays there is a roll-call of the States, and members may then introduce in the House or Senate any bill they may desire. These bills are then referred by the presiding officer to appropriate committees. These committees, meeting in their

own separate rooms, debate, investigate, and, if necessary, as has been said, ask the opinion of outside persons. After such consideration bills are reported back to the House or Senate. But very few bills reach this stage, for the committee does not get time to report any save the more important ones, and thus the majority of them disappear, or, as the saying is, "are killed in committee." If a bill receives the approval of the committee it is favorably reported to the Senate or House, as the case may be—*i. e.*, the bill is returned, accompanied by a report advising the passage of the accompanying bill. If the bill is not approved by the committee, an unfavorable report is made; bills are seldom passed after such an adverse report. These reports which accompany the bills, are printed, often at great length, giving reasons for the proposed action in regard to the bills. When reported by the committee back to the house in which it was introduced, a bill is voted upon, and, if passed, is sent to the other branch. If passed there, it is ready for the President's signature; if vetoed, the bill is lost, unless passed over the veto by a two-thirds vote of both houses. But frequently one house, while not wishing to defeat a measure sent to it from the other house, may desire to change it by some amendment. If this is done, the bill, as amended, is sent back to the house from which it came, and if then agreed to as amended by it, it is sent to the President for his approval. Thus by repeated amendments it may pass to and fro between the House and Senate several times. In the House of Representatives, many bills are passed through all their various stages by a single vote, by what is known as a "suspension of the rules," which may be ordered by a two-thirds vote.

The Senate is now divided into between fifty and sixty committees, but the number varies from session to session. The principal committees are those on (1) Foreign Relations, (2) Privileges and Elections, (3) Judiciary, (4) Commerce, (5) Finance, and (6) Appropriations. The Senate selects the members for the different committees by ballot, though it is pretty well determined beforehand how each

committee shall be constituted by means of party caucuses (informal meetings of members of the same party to determine upon lines of action that will be supported by all). A committee is always composed of an odd number of members, and both political parties are always represented on every committee, though the majority is, in almost all cases, from that party which has the majority of the members of the Senate.

The House of Representatives is organized into sixty committees, ranging, in their number of members, from thirteen down. As regards party representation, their constitution is similar to that of the Senate Committees. The Committee of "Ways and Means," which regulates customs duties and excise taxes, is by far the most important.

Other important committees are those on (1) Elections, (2) Appropriations, (3) Judiciary, (4) Foreign Affairs, (5) Manufactures, (6) Commerce, (7) Labor. Every Representative is on one committee, and most of them on several. Unlike the custom in the Senate, in the House the presiding officer has the sole power of appointment, which makes him, next to the President, the most important and powerful government official. The chairman of each committee has, of course, a large power over affairs with which his committee is concerned, and for this reason it is often said that it is the chairmen of these committees who rule the land.

The precise amount of effective work done by Congress during the two sessions of the Fiftieth Congress was as follows: There were 4,000 bills introduced in the Senate and 145 Senate joint resolutions; of this number 1,127 bills and joint resolutions passed the Senate, and 554 were either postponed indefinitely or referred to the Court of Claims, so that the total number on which final action was taken by the Senate was 1,681. The committee on enrolled bills examined 667 Senate bills and joint resolutions and sent them to the President and 591 became laws, the number of vetoes, including "pocket vetoes," being 76.

The House of Representatives passed 1,561 House bills and sent them to the Senate, and the Senate passed 1,347 of them,

leaving 214 to perish. The House passed 56 House joint resolutions and the Senate passed all of them but eight. The House passed, therefore, 2,284 House and Senate bills, and the Senate passed 2,522.

The first session of the Fifty-first Congress (1889–90) was, with one exception, the longest ever held.[1] During the session there were introduced in the House 12,402 bills and joint resolutions, and in the Senate 4,570, making a total of 16,972. The total number of acts passed was 1,335 as against 1,790 for *both* sessions of the Fiftieth Congress. Of these 881 were pension bills.

Congress ordinarily assembles at noon, and remains in session until 4 or 5 p. m., though towards the end of the term it frequently remains in session until late in the night. The first thing upon assembling in the morning is prayer. On Mondays, as stated, there is next a roll-call of States for the introduction of bills. Sometimes a committee is instructed to prepare and bring in a bill of its own, without waiting to have one introduced and referred to it. Reports from committees are heard during morning hours on Tuesdays, Wednesdays, and Fridays, and on Mondays after the introduction of bills. Friday is a day usually set apart for the consideration of private measures. On Saturdays Congress seldom sits.

There is still one feature of Congressional government which needs explanation, and that is the caucus. A caucus is the meeting of the members of one party in private, for the discussion of the attitude and line of policy which members of that party are to take on questions which are expected to arise in the legislative halls.

Thus, in Senate caucus, is decided who shall be members of the various committees. In these meetings is frequently discussed whether or not the whole party shall vote for or against this or that important bill, and thus its fate is decided before it has even come up for debate in Congress.

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[1] The longest session was the long session of the Fiftieth Congress.

CHAPTER X.

The Cabinet and Executive Departments.

We have seen that the functions of government are divided into three distinct classes, the legislative, the judicial, and the executive. The Constitution provides as to the methods for the exercise of the first two, but none for the third. The only reference in the constitution to executive departments is in Art. II, Sec. 2, where the President is given the power to require the opinion in writing of the principal officer in each executive department upon any subject relating to the duties of his office. The departments have in each case been created by an act of Congress and from time to time as convenience has demanded.

The duties of the executive are to enforce and apply the laws of the nation after they are made by the legislature and interpreted by the courts. This is the real business of government, by which the laws are put into effect, and the work of government is actually carried on. In the United States Government this power is placed in the hands of a body of men distinct from the legislative and judicial officers. At the head is the President, and hence his title of "Chief Executive." It is evident that he must divide up the vast amount of work to be done, and delegate it to others. Congress directs how this shall be done. For this purpose Congress has created nine executive departments (1) State, (2) Treasury, (3) War, (4) Navy, (5) Interior, (6) Post Office, (7) Justice, (8) Agriculture, (9) Labor.

These departments have been created as required by the growth of government duties. Three departments, the State,

Treasury and War, were created by the first Congress, in 1789. By the same Congress was created the office of Attorney-General of the United States, who, together with the Secretaries of the three departments, constituted President Washington's first cabinet. The Navy Department was added in 1798. Prior to that date, naval affairs had been managed by the War Department. A Post Office for the colonies was established by the Postal Act of Queen Anne's reign. The Post Office Department under the present government was established in 1789, but the Postmaster-General did not become a Cabinet officer until 1829. The Interior Department was created in 1849 by grouping together in one department several branches of the government service, which had formerly been distributed among the other departments. As early as 1839 the Patent Office, under the Interior Department, was intrusted with various duties concerning the agricultural interests of the country, among the chief of which was the distribution of seeds. In 1862 a separate Department of Agriculture was established, and these duties transferred to it. In 1889 the head of the Department became Secretary of the Department of Agriculture and a Cabinet officer. A Bureau of Labor under the Interior Department was created in 1884. In 1888 Congress constituted it a separate department, but did not make its head a Secretary, and therefore not a Cabinet officer.

The heads of the first eight of these departments together form a council of eight, called the "Cabinet," whose duty it is, in addition to the management of the departments, to advise the President on matters of importance. For this purpose regular meetings are held, at which the affairs of government are discussed, and lines of action decided upon. The cabinet is neither the creation of the constitution, nor strictly of law. The existence of a cabinet, however, was always taken for granted in the discussion and formation of the constitution. It is a creation of custom and has no powers other than of advice and counsel to the President.

The growth of executive and administrative business is not fully indicated by the increase in the number of departments. The growth within each department has been much greater. Separate bureaus and divisions have been created, which in some cases are, for all practical purposes, as independent and important as the departments themselves.

The organization of all the different departments is much the same. At the head of each is an officer appointed by the President, the President thus having control generally over the whole executive business of the government. These officers are called Secretaries, except in the cases of the Post Office Department, whose head is the Postmaster-General, and of the Department of Justice, whose head is the Attorney-General. In a number of the Departments there are also one, two, three or four assistant secretaries, according as the business of the departments requires. For convenience in the despatch of business, the departments are divided into bureaus, the bureaus into divisions, and the divisions into rooms, until, finally, the individual workers—the clerks—are reached. Each bureau and division has at its head an officer called Commissioner and Chief of Division, respectively. Each department and bureau, and, in some cases, the division also, has a Chief Clerk who has charge of the details of the administration, and immediate oversight over the clerks.[1] All work in one finely organized system. The clerk is responsible to his chief of division, the chief of division to his commissioner, the commissioner to the Secretary and he, finally, to Congress. Each man has his particular place in the system, and no one works at random.[2]

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[1] There are a number of officials and clerks who properly belong to no division or bureau, as, for instance, the librarian's private secretary and other clerical assistance in the Secretary's office, who are under his immediate supervision.

[2] This system is not always carried out perfectly in practice. In some cases an officer is termed commissioner who is more properly a chief of division, and *vice versa*. In other cases the title of commissioner or chief of division is represented by a more technical designation as Director of the U. S. Geological Survey, Comptroller of the Currency, etc.

The President and heads of departments appoint all officers in the executive departments. It is manifestly impossible for them to base their appointments upon personal knowledge. Hence has arisen the custom of filling almost all offices not controlled by the Civil Service Commission upon the recommendation of congressmen, each of whom controls for the most part the patronage of his own district. Only the Secretaries, Assistant Secretaries, Commissioners, and other chief officials are really appointees of the President on his own responsibility.

Prior to the first administration of Jackson the positions of government clerks in the departments were permanent. In 1828 Jackson inaugurated the so-called spoils system, which means that to the victor belongs the spoils. Only 74 removals had been made from 1789 to 1828. Jackson removed during the first year of his administration 2,000 clerks. Since then, until 1883, each party, on gaining control of the government, has removed almost all the clerks in office who were of the opposite political faith, replacing them with members of its own party. In 1883 was passed the Civil Service Act, by which it is provided that all future appointments of subordinate clerks in the executive departments are to be made only from those who have passed successfully an examination set by the Civil Service Commission created by the act.

The State Department.—The Department of State was the first department established. (Act of July 27, 1789.) There are three Assistant Secretaries. Their salaries are, Secretary $8,000, First Assistant $4,000, and the other two $3,500. The department is divided into seven bureaus, (1) Diplomatic, (2) Consular, (3) Archives and Indexes, (4) Accounts, (5) Statistics, (6) Rolls and Library, and (7) Claims.

The Secretary of State is charged, under the direction of the President, with the duties appertaining to correspondence with the public ministers and consuls of the United States, and with the representatives of foreign powers accredited to the United States; and to negotiations of whatever character

relating to the foreign affairs of the United States. He is also the medium of correspondence between the President and the chief executive of the several States of the United States; he has the custody of the great seal of the United States, and countersigns and affixes such seal to all executive proclamations, to various commissions, and to warrants for pardon, and the extradition of fugitives from justice. He is regarded as the first in rank among the members of the Cabinet. He is also the custodian of the treaties made with foreign states, and of the laws of the United States. He grants and issues passports. Exequaturs to foreign consuls in the United States are issued through his office. He publishes the laws and resolutions of Congress, amendments to the Constitution, and proclamations declaring the admission of new States into the Union. He is also charged with certain annual reports to Congress relating to commercial information received from diplomatic and consular officers of the United States.

The patronage of the Secretary at Washington is small, about sixty clerks, but that which concerns the diplomatic and consular service is important. To facilitate communications and negotiations with foreign nations, and to protect the interests of American citizens in foreign countries, the United States, in common with all civilized nations, has an elaborate system of representatives residing at the capitals of all the principal nations. This system is called the diplomatic service, and is under the charge of a separate bureau of the State Department. Communications and negotiations with foreign powers are generally carried on through them or through ministers of other nations stationed at Washington. These agents are called ministers and are of three grades (1) envoys extraordinary and ministers plenipotentiary, (2) ministers resident, (3) *chargés d'affaires*. These grades correspond to the lower grades of similar services in European countries. We have no grade corresponding to that of ambassador. The United States has ministers in about thirty-three countries. The chief legations are those of Great Britain, France, Germany

and Russia. The salary attached to each of these legations is $17,500. The social demands upon ministers are great, and, as a rule, the expenses of ministers have been more than their salaries. Ministers of foreign powers receive a much larger compensation than do ours.

To protect our commercial interests abroad, and our seamen and vessels in foreign ports, the United States has agents resident in all foreign sea-ports of any prominence. Their duties are numerous. They ship seamen, certify invoices, take testimony, examine emigrants, etc. They transmit to the State Department monthly reports concerning any matter of commercial or social interest occurring at their stations. These reports are published monthly by the department and have a wide gratuitous circulation. This system is called the consular service; and is also under the charge of a separate bureau. These agents, called consuls, are of three ranks and titles; (1) consul-generals, (2) consuls, (3) consular agents, of whom 180 are salaried, the rest being paid by fees. The names of the other bureaus indicate the nature of the duties performed by each.

The Department of State has been prominently before the people during the last two years in consequence of the Pan-American Congress,[1] composed of representatives from all American nations. This congress met in 1889, under the auspices of the State Department at Washington, to consider subjects of common interest, such as international arbitration, railroad and steamship communication, uniform money and commercial regulations. Various standing committees and commissions were provided for; and it is believed that through their efforts better commercial and social relations with the South American Republics will be established. The International Marine Conference, composed of representatives from

[1] The Proceedings of the Pan American Congress were published by the Department of State, and also in the *Tribune Monthly* for September, 1890. Articles upon the subject by Mr. Romero, the Mexican Minister, appeared in the *North American Review*, September and October, 1890.

all marine powers, likewise met at Washington under the auspices of the same department, and adopted a code of marine regulations for the guidance of all nations.

In foreign relations the department has been chiefly occupied of late in the attempted settlement of the right of the English and Canadians to capture seals in Bering's Sea and Straits, and of the rights of American and English fishermen[1] in the fishing grounds off the coast of New Foundland; in the conclusion of a new extradition[2] treaty with England, and of various treaties concerning trade with other nations.

The Treasury Department.—This department was created by act of September 2, 1789. There are two assistant secretaries. The department is divided into a large number of divisions, with the following chief officers: (1) The Comptrollers, (2) the Auditors, (3) Treasurer, (4) Register, (5) Commissioner of Customs, (6) Commissioner of Internal Revenue, (7) Comptroller of the Currency, (8) Chief of the Bureau of Statistics, (9) Superintendent of the Bureau of Engraving and Printing, (10) Director of the Mint, (11) Superintendent of the Life Saving Service, (12) Supervising-Surgeon-General of the Marine Hospital Service, (13) Supervising-Inspector-General of Steam Vessels. Other officers are, the Supervising Architect, Commissioner of Navigation, Solicitor of the Treasury, and Chairman of the Light House Board.

The mention of the various divisions indicates the importance and variety of the duties coming under this department. The Secretary is charged with the entire management of the national finances. He submits annually to Congress estimates of the probable revenues and disbursements of the Government, prepares plans for the improvement of the revenue and for the support of the public credit, and superintends the collection of the revenue. Two comptrollers pass

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[1] See *Tribune Monthly* entitled "Our Continent, or America for the Americans."

[2] An excellent monograph upon the subject of Extradition, by Hon. J. B. Moore, has been published by the State Department.

upon all claims against the government and accounts received from the auditors. Six auditors examine and adjust accounts relating to the expenditures of the various branches of the government.

The Treasurer of the United States receives and keeps its moneys, disburses them on the Secretary's warrants, and manages the Independent Treasury System. The Independent or Sub-Treasury System was adopted by Congress in 1846. By this means the Treasury Department is independent of the banking system of the country; but has established sub-treasuries in the principal cities of the Union for the receipt and disbursement of public moneys. There are sub-treasuries in New York, San Francisco, Saint Louis, Chicago, Boston, Philadelphia, Baltimore, New Orleans and Cincinnati. For greater convenience moneys are also deposited at certain designated banks. Secretary Windom, however, began rapidly removing such deposits from the banks and announced his intention to cease the placing of deposits with any bank.

The Register of the Treasury is the official book-keeper of the United States. The Commissioners of Customs and of Internal Revenue have charge respectively of the collection of customs duties and internal revenue taxes. The Comptroller of the Currency has control of the national banks. The Chief of the Bureau of Statistics collects and publishes the statistics of our foreign commerce. In the Bureau of Engraving and Printing are designed, engraved and printed all government bonds, national bank notes, drafts, United States notes, etc., for which work about 1200 persons are employed. The director of the Mint has general supervision over all mints and assay offices. In addition to his annual report he publishes yearly a report on the statistics of the production of precious metals.

The titles of the other officers indicate the general duties of each. The whole department employs about 3,400 persons at Washington.

Some of the more important public questions coming within the province of the Treasury Department at the present time are (1) the Tariff, which has been settled for some years by the high tariff act of this Congress; (2) the silver question involving the gravest questions of finance, likewise settled for a time by the silver act of this Congress; (3) the purchase of bonds on the market as a device to reduce the surplus and prevent the accumulation of money in the Treasury; (4) the national banking system, whose basis is being removed by the rapid payment of the public debt; (5) the merits of the Independent Treasury System by which it is claimed that money is kept out of circulation and a stringency caused in the money market; and (6) the advisability of transferring the revenue marine service to the Navy Department.

The War Department.—The War Department was established August 7, 1789. There is one assistant secretary. The chiefs of the bureaus into which the department is divided, are officers of the United States Army, and a part of the military establishment. Their titles and duties are as follows. The Adjutant General of the Army, who has under him a large force of clerks, has the duty of issuing orders, conducting the correspondence of the department, and keeping the record. The Inspector-General inspects and reports upon the condition of the army at all points, and the accounts of the disbursing officers. The Quartermaster-General has charge of the clothing, quarters, and supplies, except food supplies, which form the province of the Commissary-General. The Surgeon-General has charge of the medical department, of the Army Medical Museum, and a special library. The Chief of Engineers has charge of the construction of fortifications, etc. The Judge-Advocate-General reviews the proceedings of courts-martial, and advises the Secretary on points of law. There are also a Paymaster-General, a Chief of Ordnance, and a Chief Signal Officer. The Chief Signal Officer has charge of the system of communicating with distant points by means of various systems of signals, the most noteworthy

of which is that of the heliograph, by which information is conveyed by the use of sun-reflecting mirrors. Communication has been established between points 125 miles distant by means of a heliograph with a reflecting surface of but twenty square inches.

The War Department answers more nearly than any other to the Department of Public Works found in other governments. All public improvements, the construction of docks, bridges, and the improvement of rivers and harbors, are under the supervision of army engineers. All arctic explorations and the explorations of our western territory, have been conducted by army officers under the direction of the Secretary of War.

The publication of war records is being made by a special board in the War Department. Thirty-five volumes have been published. It is estimated that there will be one hundred and nineteen volumes when the work is completed. The Secretary of War also has charge of the Military Academy at West Point, of certain national parks, and homes for disabled soldiers.

The army is commanded by a lieutenant-general under whom are three major-generals and six brigadier-generals. It consists of about 26,000 men distributed in the three divisions of the Missouri, the Atlantic, and the Pacific, of which the first contains four departments, the second, one, and the third, three. Congress appropriates and expends through the War Department $400,000 yearly on the National Guard for its armament and equipment. The aggregate of this reserve army regularly organized and uniformed is 106,500 men. The Secretary also details army officers to furnish military instruction at various colleges.

The principal questions to-day concerning the War Department are the advisability of strengthening our coast defences, and the lessening of the desertions in the army, which amount yearly to from ten to fifteen per cent. of the total strength of the army.

The Navy Department.—The Navy Department was established April 30, 1798. There is one assistant secretary. The routine work of the department is distributed among eight bureaus: (1) of Yards and Docks, (2) of Equipment and Recruiting, (3) of Navigation, (4) of Ordinance, (5) of Construction and Repair, (6) of Steam Engineering, (7) of Provisions and Clothing, (8) of Medicine and Surgery. The chiefs of the bureaus are officers of the United States Navy. There is a hydrographic office attached to the bureau of navigation, which prepares maps, charts and nautical books relating to navigation, and makes investigations concerning marine meteorology. This Department has charge of the Naval Observatory for which a new set of buildings is now being built at Washington. The Department publishes yearly, for the guidance of seamen, the nautical almanac, the preparation of which is intrusted to a separate bureau. The department also compiles and publishes naval records of the recent war, and has charge of the Naval Academy at Annapolis, Maryland. The Officers of the Navy upon the active list include one admiral, one vice-admiral, six rear-admirals, and ten commodores. The naval force includes 10,000 officers and men, together with 2,000 marines. The number of vessels of the United States Navy when all the ships now authorized are completed, excluding those which by the process of decay and the operation of law will by that date have been condemned, will comprise 11 armored and 31 unarmored vessels. The five stations maintained are the Asiatic, European, North Atlantic, South Atlantic, and Pacific. The chief matter of present public interest concerning this department is the creation of a new navy by the construction of modern steel vessels. This new policy was begun in 1882.

The Interior Department.—The Interior Department was created in 1849, to take charge of various duties not properly belonging to any of the existing departments. There are two assistant secretaries. The chiefs of the bureaus into which this department is divided, and their respective duties are as follows:

The Commissioner of the General Land Office has charge of all the public land of the government, its care, supervision, and sale or distribution. In another chapter we give further details concerning the operations of this important bureau.

The Commissioner of Pensions has charge of the granting of pensions to old soldiers and sailors. He has a large force at Washington. There are eighteen pension agencies in different parts of the country. In 1808 the United States assumed all the state pension obligations. The act of 1818 gave pensions to all who had served nine months in the Revolutionary War; other wars were afterwards included. The acts of the period beginning 1862 have enormously increased the amount paid. The report of the Commissioner for 1890 shows that at the close of the fiscal year of 1889 the number of pensioners was 537,944, and the annual expenditures for pensions $105,528,180.38.

The disability pension law passed June 27, 1890, will greatly lengthen the pension list and increase the annual expenditures. The present Commissioner says in his last report that "it is believed that there are probably over one hundred thousand claims in this office which can be properly allowed under the provisions of these regulations. The act of June 27, 1890, is the first disability pension law in the history of the world which grants to soldiers and sailors pensions for disabilities which are not proven to have been incurred in the service and in line of duty." Speaker Reed of the House characterized it as "the most generous piece of pension legislation ever passed by any nation on earth."

The Commissioner of Patents has charge of the granting of patents. Up to 1793 the granting of letters-patent was given to a board consisting of the Secretary of State, Secretary of War and the Attorney General, the records and models being kept in the Department of State. In 1793 the granting of patents was given exclusively to the Secretary of State. In 1821 the clerk of the State Department who examined applications for patents received the title of Super-

intendent of the Patent Office, and on July 4, 1836, the Patent Office was created as a separate bureau and a Commissioner of Patents created.

About 24,000 patents are issued annually. There is an Assistant Commissioner-in-chief, an Examiner of Interferances, three Examiners-in-chief, thirty-eight Principal Examiners, and a large force of assistant examiners for different branches. Patents run for seventeen years. The annual receipts of the bureau from fees more than equal the expenditures, and the office now has a surplus of several millions to its credit in the Treasury.

The Commissioner of Indian Affairs has charge of all matters concerning the Indians, their education, government and support. There are 239 Indian schools supported by appropriations made by Congress, 147 of which are controlled directly by the Indian Bureau. The average attendance of pupils at these schools is between eleven and twelve thousand. The number of Indians in our country (not counting those of Alaska) is about 250,000. They occupy or have control of about 116,630,106 acres.

The Bureau of Education was originally established as an independent Department by act of Congress, approved by the President March 2, 1867. By an act of Congress which took effect July 1, 1869, this Department was changed to an Office or Bureau in the Interior Department. The duties of this Bureau are to collect and diffuse information regarding schools, methods of instruction and school discipline, etc., and otherwise to promote the cause of education. The results of the investigations here carried on, though with a small clerical force, are of the utmost value to all educators, and such is the extent to which the merit of the work and publications of this office are recognized by the leading educators of the country, that, in their opinion, the Bureau should be re-established as a department, and its chief be made a member of the President's cabinet. The publications of the Bureau consist of (1) *Annual Reports*, which set forth statistics and general infor-

mation concerning the educational systems of the States, Territories, larger cities, universities, and colleges; professional, special, and scientific schools, academies, preparatory schools and kindergartens, with a summary of the progress of education in foreign countries; (2) *Special Reports*, on subjects pertinent to the times; (3) *Occasional Bulletins*, on matters of current educational interest; (4) *Circulars of Information*, on important questions of educational work or history, which are issued in yearly series. Under this last title there is now in course of publication a very valuable series of monographs upon the History of Higher Education in the various States. These monographs are being prepared by competent scholars under the editorial supervision of Dr. H. B. Adams of the Johns Hopkins University. Numerous Annual Reports have been issued, and one is now in press, for the year 1889–90. The working force of the Bureau is divided into three divisions: (1) Records; (2) Statistics; (3) Library and Museum. The library of this Office contains one of the most valuable pedagogical collections in the country.

The Commissioner of Railroads has charge of the government's interests in certain railroads to which the United States has granted loans of credit or subsidies in lands or bonds. By the acts of July 1, 1862, and July 1, 1864, Congress, in order to encourage the building of a trans-continental railroad, granted to several Pacific railroad companies subsidies in land adjacent to the roads, and issued certain amounts of bonds on which was guaranteed interest at the rate of six per cent. The amount of lands given and bonds issued were in proportion to the number of miles of road constructed. The lands were a gift. The bonds were to be repaid by the companies with all interest which might have been advanced by the government. From 1850 to 1872 the various railroads received a total of 155,504,994 acres of lands, and $147,110,069 proceeds of bonds and interest paid by the United States. The roads have repaid of this amount $36,723,477, leaving at the present time due from the roads to the United States the

sum of $110,386,592. This they will be unable to pay upon the maturity of the bonds, and a bill has been before Congress for several sessions looking towards a better adjustment of this debt. The Commissioner of Railroads was originally styled the "Auditor of Railroad Accounts." The office was created June 19, 1878.

Geological Survey.—This branch of the Interior Department was established in 1879. Its work is the investigation and determination of the geological structure of the various sections of the country, the composition of soils, the reclamation of waste lands, etc. In this bureau are made topographical surveys and irrigation surveys of arid regions of the United States. The publications connected with this work, number ten Annual Reports, thirteen Monographs, fifty-eight Bulletins and five Statistical Papers. In these there is a discussion of the geological structure of every state and territory, and information concerning the occurrence and production of each great metallic and mineral staple of the country. The bureau comprises one geographical, twelve geological, six paleontological and four accessory divisions. A division of mines and mining publishes an annual report on the mineral resources and production of the United States.

The Superintendent of the Census.—The Superintendent of the Census is appointed each decade for the purpose of taking the regular decennial census. The Eleventh Census has just been taken. The first was taken in 1790. Each census has shown a tendency to be more elaborate and to embrace a greater number of subjects than any preceding. There were employed in the taking of the Eleventh Census 42,000 enumerators, 2,000 clerks, from 800 to 900 special agents, 175 supervisors and 25 experts.

In addition to these eight bureaus, the department has charge of various other branches of government. All of the territories come under the Secretary's supervision, and look to him in case of any difficulty. The Secretary also has charge

of the Yellowstone National Park, the Hot Springs Reservation in Arkansas, and of certain hospitals and eleemosynary institutions in the District of Columbia. A Superintendent of Public Documents looks after the receipt, distribution, and sale of government publications.

The most important subjects of recent legislation concerning this department have been the dependent pension act, the act providing for the survey of Western lands suitable for irrigation, and the land forfeiture act. By this act over 8,000,000 acres of lands were forfeited by the railroads for failure to fulfil the conditions under which the land was originally granted to them.

The Post Office Department.—The Post Office Department was established in 1789, but the Postmaster-General did not become a cabinet officer until 1829. The Postmaster-General has charge and management of the department, and of the domestic and foreign mail service. He can establish post offices and appoint postmasters of the fourth and fifth classes, *i. e.* those whose salaries are less than $1,000. These number over 50,000. The total number of postoffices is about 56,000. The President appoints to those of the first three classes. Other officers besides the Assistant Postmasters-General are, the Superintendents of the Money Order Division, of Foreign Mails, and of the Railway Service, and an Assistant Attorney-General for the department.

The United States is a member of the Universal Postal Union, of which most, if not all, of the civilized countries are members. The central office is known as the International Bureau of the Universal Postal Union, and is conducted under the superintendence of the Swiss Postal Administration, and its expenses are borne by all the nations composing the Union. The revenues of the Post Office Department nearly equal the expenditures, and would have exceeded them before this but for the fact that as soon as the amount of receipts has warranted, improvements have been made in the service,

through the reduction of postage rates and the extension of the free delivery system. It has never been the policy of the government to make this department a source of revenue.

The patronage of the postoffice department is the most important of any of the departments, and it is very largely for this reason that the Postmaster-General is a member of the Cabinet. Crawford of South Carolina secured in 1820 the passage of an act limiting the term of office of postmasters to four years. The appointment of postmasters does not come under the Civil Service Act. It is the principal aim of civil service reformers, that postmasters should be appointed under its provisions. The most important questions of public policy concerning this department, are the reduction of postage rates on letters to one cent; the advisability of the establishment of a postal telegraph service; the extension of the free delivery system, and the relation of the department to the civil service regulations.

The Department of Justice.—The office of the Attorney-General of the United States was established in 1789; the Department of Justice not until 1870. The Attorney-General gives advice upon legal points to the President and also, when requested to do so, to the heads of departments. He directs the cases of the United States and sometimes appears in them, especially in the Supreme Court. He supervises the United States Marshals and District Attorneys. His substitute and principal assistant is the Solicitor-General. There are two Assistant-Attorneys-General, the business of the one being connected with the Supreme Court, and of the other with the Court of Claims. There are also, as mentioned before, certain legal officers attached to the other departments. Additional counsel is frequently employed to assist in the argument of important cases. To the Attorney-General belongs the duty of recommending persons to the office of judges, etc., in the United States Circuit and District Courts.

The Department of Agriculture.—The Department of Agriculture was organized as a separate department in the

year 1862. In 1889 its head became a cabinet officer. There is one Assistant Secretary. The duties of the Secretary are to promote in every way the agricultural interests of the country. For this purpose the department is separated into thirteen bureaus, under the following officers (1) the Entomologist, (2) Chief of the Bureau of Animal Industry, (3) Chemist, (4) Botanist, (5) Chief of the Section of Vegetable Pathology, (6) Statistician, (7) Ornithologist, (8) Director of the Office of Experiment Stations, (9) Microscopist, (10) Pomologist, (11) Chief of the Forestry Division, (12) Chief of the Seed Division, and (13) Weather Bureau. The enumeration of these titles indicates the general nature of the work of the department. Here are investigated the habits of injurious insects and birds and the best means for their destruction; the causes of and remedies for vegetable and fruit diseases. The Chief of the Bureau of Animal Industry inspects herds of cattle and causes to be slaughtered those suffering from a contagious disease. Under a law passed in 1890, he also inspects all cattle and meat intended for export to foreign countries. He investigates causes of and remedies for cattle diseases, the best method of breeding, etc. The Statistician publishes monthly and annual reports concerning statistics of the condition, prospects and harvests of the principal crops, the wages of farm labor, etc. The Chemist analyzes fertilizers, soils, etc. By the act of March 2, 1887, $15,000 per annum was appropriated by Congress to each of the States and Territories which have established an agricultural college or an agricultural college department, for the establishment of experiment stations. The Department of Agriculture has general oversight over these stations.

The Department carries on experiments regarding the feasibility of profitable silk reeling in this country, for which purpose there is a separate division; it also makes experiments in the manufacture of sugar from sorghum and from beets grown in this country. The best qualities of seeds are tested and distributed gratuitously among the farmers. Efforts are

made to introduce and foster the cultivation of new kinds of agricultural products, and in various ways to advance agricultural interests.

Congress, by an act passed during its last session, 1890, created a weather bureau under the Agricultural Department and transferred to it the business of weather prognostication which had been under the Chief Signal officer in the War Department. The service remains unchanged. It has stations at the military stations in the interior of the continent, at life-saving stations, and at other points in the States and Territories. Meteorological observations are taken at each station, and the information forwarded to the central office at Washington, where weather predictions for the succeeding day or days are made. The predictions are given gratuitously to the public through a system of flag signals, by the distribution of weather maps, and by publication in the daily papers. The percentage of successful forecasts of the weather during 1890 was 84.4.

The Department publishes the result of the scientific investigations carried on by its officers in "Annual Reports" of the Secretary and Chiefs of Divisions; in a series of "Circulars" on special subjects, in regular "Bulletins;" and in a series of studies on "Insect Life." These documents are distributed gratuitously.

The Department of Labor.—The Department of Labor was created in 1884, as a bureau under the Interior Department. In 1888, it became a separate department. It is a purely statistical bureau. It collects and publishes statistics on the cost of production, on wages, labor statistics, etc. Its six published reports are on (1) Industrial Depressions, (2) Convict Labor, (3) Strikes and Lockouts, (4) Working Women in Large Cities, (5) Marriage and Divorce, and (6) Railroad Employés.

Had all the executive departments been created at one time by a constitutional convention, we should be justified in expecting a greater symmetry and uniformity in the naming and

grouping of chief officials. An inspection of the various executive officers shows that not a few are under departments other than would be expected; and the naming of officials is often misleading as to their importance. Within recent years there has appeared a strong tendency to depart yet more from a systematic grouping of executive duties under departments. Executive functions have been given to bodies entirely independent of the departments. To complete our survey of the federal executive we must consider the following: (1) the Interstate Commerce Commission, (2) the Fish Commission, (3) the Civil Service Commission, (4) the Government Printing Office, (5) the National Museum, Smithsonian Institution, the Bureau of Ethnology, (6) the Congressional Library.

The Interstate Commerce Commission.—With the growth of our railroad system have come various abuses. Roads have discriminated in favor of one shipper over others, and of one locality over others. Combinations have been formed to keep up railroad passenger and freight charges. Their influence has been used in political offices through the issuing of free passenger tickets, etc. Various other minor abuses have centered around these corporations. The States have been powerless to provide a remedy for the roads have been mostly engaged in interstate commerce with which the States are forbidden by the constitution to interfere. To provide a remedy for the principal of these abuses Congress passed the act of February 4, 1887, regulating the practice of railroads and creating the Interstate Commerce Commission to enforce the provisions. The Commission is composed of five commissioners appointed by the President. The Commission sits as a court and adjudicates complaints arising between railroads or between citizens and railroads, involving principles covered by the act. It has rapidly attained its present position as one of the most important courts in the United States. A statistician, attached to the Commission, publishes annual statistics of railroads, covering the extent, the amount, and value of their stock and bonds, expenses of

management, receipts, &c. The act, of course, applies only to those railroads lying in more than one State.

The Fish Commission.—The Fish Commission was created by act of Congress in 1870. Its chief is the Commissioner of Fish and Fisheries. There is also an Assistant Commissioner. This Commission stands in the same relation to the fishery interests of the country as does the Department of Agriculture to agricultural interests. Both are scientific and practical departments. The former investigates the food, habits and enemies of fishes; experiments concerning the best methods of their capture, the best kind of baits, apparatus, etc. It collects statistics of fish and fisheries of the whole country. Probably its most important service is the propagation and distribution of food fishes. Under its direction are hatched and liberated millions of the young of the best food fishes in the various inland waters of the United States. Rivers suitable for black bass, shad, carp, or other food fishes, but not having them in their waters, are supplied. For these purposes the Commission owns and manages various fish hatcheries, fish distributing vessels and cars, propagating ponds, etc.

The yearly appropriation for carrying on this work amounts to nearly a quarter of a million of dollars.

The Civil Service Commission.—To correct the wasteful and demoralizing spoils system, in vogue ever since the first administration of Jackson, Congress passed, January 16, 1883, "an act to regulate and improve the Civil Service of the United States." Under the provisions of this act, the President appoints three commissioners, only two of whom may be of the same political party, to administer the act. It is one of the duties of this Commission to provide examinations for testing the fitness of applicants for public service. Appointments in those branches of the government coming under this act can only be made from persons who have passed the civil service examination successfully. Adherance to one or the other political parties has little weight in the selection

of employés. Under the regulation of this act are: the nine executive departments at Washington, the Civil Service Commission itself, the customs districts, eleven in number, in each of which there are fifty or more employés, all postoffices in which there are fifty or more employés, and the Railway Mail Service; including altogether about 28,500 clerks.

The Government Printing Office.—In order that there may be intelligent legislation and administration, an extensive system of reports is required. The publications of the federal government are of course very numerous. Each department, bureau, and division makes an annual report. The proceedings of Congress are reported verbatim and published. This printing and binding are done by the government through the government printing office, established for that purpose. The Bureau of Printing and Engraving, which is under the Treasury Department, does no part of this. Its duties are limited to those of engraving and printing bank-notes, etc. The chief of the Government Printing Office is styled the Government Printer, and is appointed by the President.

The National Museum, Smithsonian Institution and Bureau of Ethnology.—In 1829 James Smithson, bequeathed by his will the whole of his property, something over half a million dollars, "to the United States of America to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men." This fund held by the United States now amounts to $702,000 yielding six per cent. per annum. In 1846 Congress determined to devote this gift of Smithson to the founding and support of a museum. The National Museum was established in 1846, and is supported by annual appropriations by Congress.

In 1879 Congress created a special bureau under the Secretary of the Smithsonian Institution, to be called the Bureau of Ethnology, to make researches in North American anthropology. This work is supported by annual appropriations.

The National Museum, Smithsonian Institution and Bureau of Ethnology, though distinct institutions[1] are under substantially the same management. Their reports are of great scientific value.

The Librarian of Congress.—The Librarian of Congress is an independent officer and reports directly to Congress. He has complete control of the Congressional Library, now situated in the Capitol building. The books now collected in this library have been purchased from time to time by Congress. There is a law requiring that two copies of every book, pamphlet, newspaper, photograph, etc., copyrighted in the United States, shall be sent to the Congressional Library. It thus receives large and valuable additions yearly. The Library now numbers over half a million volumes. A new building for the library is in process of construction, and it will have cost when completed between seven and eight million dollars.

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[1] A valuable and suggestive paper on The Origin of the National Scientific and Educational Institutions of the United States, by Dr. G. Brown Goode, Assistant Secretary of the Smithsonian Institution, was published by the American Historical Association. Vol. IV, Part 2. G. P. Putnam's Sons, New York, 1890.

CHAPTER XI.

The Federal Judiciary.

In forming the Constitution the framers of our government were controlled by the principle that the powers which belong to all governments can be most safely and satisfactorily exercised by dividing them according to their nature among three separate branches, the executive, the legislative, and the judicial. Under the Articles of Confederation this maxim of government had been disregarded. The old Continental Congress had been given under that plan, not only legislative powers, but also those executive and judicial powers which the States had yielded to the central government.

The lack of a Federal judiciary was, as Justice Story says, "one of the vital defects of the old confederation." Hamilton, the expounder of the Constitution, said: "Laws are a dead letter without courts to enforce and apply them."

The reasons why a national system of courts was necessary were in order that there might be some power:—

1. To give to laws an interpretation that would be uniform throughout the land. If there were thirteen independent courts, each giving Federal decisions on the same causes arising under the same national laws, what but confusion and contradiction could arise?

2. To settle disputes between the States and citizens of different States.

3. To construe and interpret the Constitution itself, and decide all disputes arising under it.

4. The Constitution is the supreme law of the land. No legislative act of either Congress or of a State legislature contrary to the Constitution can therefore be valid. Hence, the necessity of some power which should have authority to determine the constitutionality of an act when brought into question, and—

5. There should be the power of determining the constitutionality of any act of a State legislature, and thus enforce upon State legislatures the restrictions laid upon them, such as, for example, the inability to lay impost duties, to pass laws violating the obligation of contracts, etc., or to regulate objects given exclusively to Congress. The manifest necessity of such a power may be best stated by using Hamilton's own words (Federalist, 30):

"What would avail restrictions on the authority of the State legislatures without some constitutional mode of enforcing the observance of them? The States, by the plan of the Constitution, are prohibited from doing a variety of things, some of which are incompatible with the interests of the Union; others with the principles of good government. The imposition of duties on imported articles, and the emission of paper money are specimens of this kind. No man of sense will believe that such prohibition would be scrupulously regarded, without some effectual power in the government to restrain or correct infractions of them. This power must be either a direct negative on the State laws, or an authority in the Federal courts to annul such as might be in manifest contravention of the articles of Union." * * * "These courts are to be the bulwarks of a limited constitution against legislative encroachments."

These reasons were so strong that there was little or no objection in the constitutional convention to the creation of a national judiciary, but difficulty arose in determining its precise nature and powers. As we have learned, the difficulty to be overcome in drafting our new scheme of government was to satisfy State jealousies and interests, and preserve State

rights of government, and yet to obtain a strong central government; and to harmonize State rights with Federal strength.

In forming the national judiciary, the objects to be obtained, difficult of achievement, were, to use the words of Judge Curtis (Federal Courts of United States): "To construct a judicial power within the Federal Government, and to clothe it with attributes which would enable it to secure the supremacy of the general constitution and all of its provisions; to give to it exact authority that would maintain the dividing line between the powers of the Nation and the States, and to give to it no more: and to add to these a faculty of dispensing justice to foreigners, to citizens of different States and among the sovereign States themselves, with a more even hand and with a more assured certainty of the great ends of justice than any State power could furnish—these were objects not readily or easily to be obtained, and yet they were obtained with wonderful success."

The establishment of the federal judiciary is given in a few words in the Constitution: "The judicial powers of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish."

In pursuance of this clause, Congress passed in 1789, what is known as the "Judiciary Act," the first section of which reads: "The Supreme Court of the United States shall consist of one chief justice and five associate justices." This act also established the inferior federal courts, the circuit and district courts, and also defined and fixed their fields of jurisdiction, *i. e.*, the class of cases which these courts could have power to try.

The Supreme Court stands at the head of our national judiciary. Its field of jurisdiction is the construction and exposition of the Constitution of the United States. Hon. S. F. Miller, senior justice of this court, speaking of the high character of the duties performed by this court, said: "This court, whether we take the character of the suitors that are

brought before it, or the importance of the subjects of litigation over which it has final jurisdiction, may be considered the highest the world has ever seen. It has power to bring States before it, States which some of our politicians have been in the habit of considering sovereign, not only when they come voluntarily, but by Federal process they are subjected, in certain cases, to the judgment of the court. Whatever these States may have been at the time of the formation of the Constitution, they now number their inhabitants by the millions, and in wealth and civilization are equal to many of the independent sovereignties of Europe."

There have been considerable changes in the structure and duties of the Supreme Court since its formation. At present there are nine justices, instead of six. There is now one annual term of the court held, beginning on the 2d Monday of October and continuing until about May 1. Of the nine justices six constitute a quorum.

The Supreme Court first met in February, 1790. Since its organization it has had eight chief justices, in the following order.

JOHN JAY, 1789–1795.
OLIVER ELLSWORTH, 1795–1801.
JOHN MARSHALL, 1801–1835.
R. B. TANEY, 1836–1864.
S. P. CHASE, 1864–1873.
M. R. WAITE, 1873–1888.
M. FULLER, 1888.

In 1795 John Rutledge was appointed to succeed Jay, received his commission, and held one term of the court, but was not confirmed by the Senate.

During the early years of the existence of the Supreme Court few cases arose requiring its jurisdiction. During the first term there was no business to be transacted. In 1801 there were only ten cases on the docket, and for some years the average annual number of cases was twenty-four; but in later years the number rapidly increased. From 1850 the

average number of cases decided was seventy-one, while from 1875 to 1880 the average was three hundred and ninety-one per annum, and now there are more than a thousand cases awaiting a hearing, and the court is so far behindhand in its work that it takes from three to four years for a case to come up for trial after having been entered upon the docket. At present there are about four hundred cases granted a hearing yearly.

Almost immediately after the adoption of the Constitution began struggles and disputes between the States and the Federal Government. In this contest the Supreme Court steadily upheld the central power, and did much by its decisions to enforce and establish the power of the Constitution. Especially was the court powerful during the years 1801 to 1835, when Marshall was chief justice, to whose wisdom and prudence it is difficult to ascribe too much influence in fixing the present stability of our government.

The Supreme Court has been an invariable supporter of the Federal Constitution. During the early years of our government it was our firmest barrier against the efforts of the States to lessen the federal power. It has always maintained the balance of power between the States and the Union.

The annual term of the Supreme Court begins the second Monday of October and lasts until about May. Daily sessions, with the exceptions of Saturdays and Sundays, are held, beginning at 12 o'clock, in the Capitol building at Washington. The present justices are Fuller, chief justice, and Lamar, Bradley, Field, Harlan, Gray, Blatchford and Brewer, associate justices. Every Saturday morning the justices meet in consultation and decide cases argued during the week. The decisions are announced on Monday mornings. The justices are appointed by the President, hold office for life, and are removable only by impeachment.

The following are a few cases decided by the Supreme Court with which it is important that we should be acquainted

owing to the influence which their decision has had upon our history:

1. In 1793 the case of *Chisolm* vs. *Georgia* came before this court. Chisolm, a citizen of North Carolina, sued the State of Georgia for a sum of money, and under the second section of Article III of the Constitution, which says that the judicial power of the United States shall extend to disputes between a State and citizens of another State, the court gave judgment in his favor. This decision that a State government could be sued against its will created so much dissatisfaction that the Eleventh Amendment was adopted, which says, "the judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State." The effect of this amendment has been to enable a State to repudiate its just debts.

2. In 1819 was decided the very important case of *McCulloch* vs. *Maryland*. The United States had established a national bank, which was objectionable to many of the States. Maryland attempted to destroy the bank by levying a very high tax upon a branch bank within the State. The question as to her right to do this was brought before the Supreme Court. To have allowed Maryland this right would have been to give to a State Government the power to oppose and render useless an institution created by the Federal Government. The court sustained the Federal power, and it was declared unconstitutional for any State to pass laws opposing the operation of any Federal statute.

3. In the case of *Dartmouth College* vs. *New Hampshire* was declared the unconstitutionality of a state law which impaired the obligation of contracts.

4. A very important case decided by Chief Justice Taney was that of *Dred Scott* vs. *Sandford* in 1857. Dred Scott, a negro slave in Missouri, had been carried into the Territory

of Minnesota, where, by the Missouri Compromise of 1820, slavery did not exist. Upon being carried back into Missouri by his master, Scott claimed his freedom upon the ground that he had been voluntarily carried into a Territory where slavery was not allowed. The Supreme Court in its decision declared that Congress had never had the power to pass any law which would forbid slave-owners settling in Territories and still retaining control of their slaves. The whole country was at this time in great excitement in regard to the question whether or not, in the organization of the Territories of Kansas and Nebraska into States, slavery should be prohibited, and this decision, whereby the Missouri Compromise Act was practically annulled, and which pointed directly forward to an establishment of slavery in the new Territories, raised public excitement to a fever heat. It was in this decision that the statement was made that at the time of the formation of the Constitution the general opinion had been that the colored man had no rights which the white man was bound to respect. As a direct result of this case a more determined stand was taken at the North against slavery; the Anti-Slavery Republican party was strengthened, and their candidate for President, Abraham Lincoln, elected in 1861, and the catastrophe of civil war precipitated.

5. The Legal-Tender decisions, given in several cases soon after the civil war, are important. During the progress of the war the Government, in order to raise funds to meet its extraordinary expenses, had been forced to issue slips of paper which represented no deposits of coin in the Treasury, but only promises to pay certain sums by the Government. These were declared legal tender, that is, made by law as good as gold and silver, and the people were forced to receive them in payment of debts and for commodities. It was questioned whether the Government had by the Constitution power to do this. The legal-tender decisions declared that it had.

Federal Judicial System and Jurisdiction of the United States Courts.

District Courts. — The United States is divided into judicial districts. Many single States form a judicial district, while others are divided into two and others into three districts. The number of districts has varied. At present there are about sixty. To each of these districts is given a court and a district judge. These form the lowest grade of Federal courts.

Circuit Courts.—These judicial districts are grouped into nine circuits. For example, the Fourth circuit includes the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina. For each circuit is appointed one circuit judge. One of the justices of the Supreme Court is also allotted to each of the circuits, who, after the expiration of the Supreme Court term, visits his circuit, and tries the more important cases which may arise in that circuit. The Circuit Court may be held by the circuit judge, the Supreme Court justice, or the district judge of that district in which the court is sitting, or by any two of them, or all of them, sitting together. The Circuit Courts form the next series of the Federal courts higher than the District Courts.

Jurisdiction.—The relation between the Supreme, Circuit and District courts is easy to explain. Their jurisdiction is upon federal questions; that is, over those cases mentioned in the Constitution over which judicial power has been granted to the United States, viz., questions arising under the Constitution, federal laws, or treaties, between citizens of different States, between citizens and foreigners, between States themselves, etc., and all crimes punishable under the United States laws.

The Circuit Court is higher than the District Court, and to it cases involving $500 and over may be appealed from the District courts. The Supreme Court is the court of last resort, and to it all appeals from the Circuit Courts come,

with the limitation that $5,000 be involved. The cases decided by the Supreme Court are then of two classes: (1) those over which it has original jurisdiction, (see Constitution); *i. e.*, those cases which originate or begin in that court; and (2) those cases over which it has appellate jurisdiction, *i. e.*, those cases which come thither by appeal from the lower Circuit Courts, and which form the larger part of its work, and also by appeal from the highest State courts in cases involving certain Federal questions. The District of Columbia being directly governed by the United States, its courts are Federal courts, and hence, cases may be appealed from such courts to the Supreme Court; likewise for the same reason appeals may be had to the Supreme Court from the territorial courts.

We must remember that these courts deal only with Federal questions arising under United States laws, and, that besides these courts, all of the States have their own judicial systems of courts to interpret state laws and to try the great majority of cases. These courts are entirely separate from the United States courts, and with different judges, though cases may begin in them and be transferred to the United States Courts, if the interpretation of a Federal law is brought into question.

There are four grades of law in the United States. First and highest is the United States Constitution; second, United States laws, or statutes as they are called, passed by Congress; third, State constitutions; and fourth, State laws, passed by the State legislatures. In case of conflict of laws the lower must yield to the higher.

For the purpose of settling claims of private persons against the United States, there has been established at Washington a Court of Claims, held by five judges. From it appeals lie, in some cases, to the Supreme Court, and, in others, they are referred to Congress for action.

CHAPTER XII.

The Ordinance for the Government of the Northwest Territory.

When the colonies joined in union under the Articles of Confederation, in 1781, they ceded to the General government their claims to unoccupied western territory. The largest land grant was that by the State of Virginia, which occupied that part of the United States lying north of the Ohio River and east of the Mississippi River.

The problem of management of public lands was thus early presented to our Federal Government for solution. The manner in which Congress dealt with this question has proven eminently wise and successful, and has been largely influential in making the United States the nation that it is to-day. The feature that has characterized the plan followed from the beginning, and which still obtains, is the formation of States from such territory as soon as there is sufficient population. Such States have similar forms and powers of government as the original States, are on an equal footing with them, and are bound by the Constitution of the United States. Congress has absolute control of the Territories. (For Territorial government see Article on Territories.)

The ordinance which the Continental Congress adopted in 1787 for the government of the Northwest Territory is of great importance: it provides for the establishment of our territorial system; it contains many of those features of management which have been used from that date until now; and

it is also of interest because of the influence it has had upon the history of slavery in our country.

This ordinance provided that the whole of this territory should form one district. At first Congress appointed the governor, secretary, judges, and military generals. The governor was to make the laws, subject to the approval of Congress. When the population reached five thousand the inhabitants were to have a legislature of their own, and to have a delegate who should sit in Congress, but have no vote. There was a bill of rights. Public education was encouraged. Not less than three nor more than five States were to be formed from it. Ohio, Indiana, Illinois, Michigan, and Wisconsin have been the five States formed from this territory. The transformation of the territory into States was promised as soon as the population should reach sixty thousand.

Slavery was forever prohibited in all this territory. We shall see the tremendous importance of this clause, which guaranteed to this large tract freedom from the curse of slavery, when we come to consider the struggles which were made for many years to keep slavery from the territories.

CHAPTER XIII.

Government of the Territories.

There are at present four areas, situated outside of the States, and organized under territorial governments. These are Utah, Arizona, New Mexico and Oklahoma. Besides these there are the two unorganized territories, Indian Territory, and Alaska, and the District of Columbia, which last tract contains sixty-four square miles.

Government of Territories.—The fundamental law of a Territory is the Federal Constitution, just as in a State. Unlike the State, however, it has no constitution of its own, but is regulated entirely by Congress. In Section 3, Article IV, of the Constitution, it is declared that "Congress shall have power to dispose of and make all needful regulations respecting the territory or other property belonging to the United States." In pursuance of this clause Congress has in the four organized Territories instituted governments as follows: The executive of the Territory is a Governor appointed by the President for a four years' term. There is also a secretary and treasurer. The legislature consists of two houses, a council of 12, and a House of Representatives of 24. These are elected by the people of the Territories, and have a term of two years. The Legislature meets every other year. All its acts require approval by Congress before becoming law.

The judiciary consists of three or more judges appointed by the President, together with a district attorney and United States marshal.

Territories send neither Senators nor Representatives to Congress, but have one delegate apiece in the United States House of Representatives, who may speak, but not vote.

Admission of a Territory as a State.—A Territory is an embryo State. As soon as a Territory becomes sufficiently populated it applies for admission into the Union as a State, and such admission is accomplished in the following manner. When an application by a Territory for Statehood is made, it is considered by Congress, and, if approved, the inhabitants of the Territory are authorized to form for themselves out of such Territory a State government, and thus prepare themselves for admission into the Union.

A State government is formed as follows: The Governor of the Territory issues a proclamation declaring that on a certain date there shall be an election of delegates to a convention; such convention is to be held on a certain date. These delegates are elected by a popular vote. The members of the convention thus formed declare that they, on behalf of the people of the Territory, adopt the Constitution of the United States, and then proceed to draft a State constitution and government. It is provided that this constitution shall be Republican in form, and make no distinction in civil and political rights on account of race or color, except for Indians not taxed: that it shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. Perfect religious toleration must be guaranteed, all right or title to the unappropriated public lands lying within the Territory must be disclaimed and given over to the United States. Provision must be made by the constitution for the establishment and maintenance of the system of public schools.

After adoption by the convention the constitution is offered to the people for ratification. If it is ratified, the Governor certifies the fact to the President of the United States. Provided the constitution is found to comply with all the conditions just mentioned, the President issues his proclamation declaring the

ratification of the constitution, and upon the same day that the proclamation is issued the territory is deemed admitted by Congress into the Union as a State, on an equal footing with the original States, and entitled to representation in both houses of the Federal Congress. The representatives and the Governor and other State officers are elected on the same day as that upon which the constitution is ratified by the people.

CHAPTER XIV.

State Governments.

The United States is a nation of forty-four federated States. Each State has its own separate government, which is sovereign, except as to a few powers which have been granted to the United States government for general purposes. Citizens of States are also citizens of the United States, and thus owe a double allegiance, namely, to the State in which they reside and to the United States.

These States vary in size from that of Texas, the largest, with an area of 265,780 square miles, to that of Rhode Island, the smallest, with 1,250; and in population from that of New York, with nearly six millions, to that of Nevada, with about forty-five thousand. The largest State is greater than either France or the German Empire.

State governments are older than the Federal government, for it was by a grant by the States of certain of their powers that the United States government was created. Each State is represented in Congress by two members in the Senate. Members of the lower branch of the Federal legislature are apportioned among the States according to population. As in the case of the United States, the powers of government are divided among three departments—the executive, legislative, and judicial.

In the United States Constitution it is expressly declared that "the powers not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." It would require

considerable space to enumerate the duties of State governments. With the exception of the few acts which the constitution forbids them to perform, most of which they would not care to perform if allowed, and the few general powers coming within the province of the Federal Government, the States can do whatever their legislatures sanction. They can go to the extremes of State socialism. All States have a complete judicial system. They regulate all legal relations of their citizens, the laws of husband and wife, principal and agent, and of contract. They provide for the detection and punishment of crime. They control and mainly support the militia of the county. Railroad, banking, insurance, and other corporations, are chartered and controlled by them. The construction and maintenance of roads, the care of the public health, the inspection of factories, the determination of the right of suffrage, and the control of its own elections are among the exclusive powers of State governments. Our extensive system of public schools are under the dual management of the State and local governments, and under the superintendence of State officers. The State takes care of the defective classes, of the insane, paupers, etc.; and, in general, performs all those ordinary duties concerning internal affairs which are exercised by central governments.

Each State government has—

1. A Constitution.
2. A Legislature of two Houses.
3. An executive, composed of a Governor, Lieutenant-Governor (in almost all cases), Secretary of State, Auditor, and a few other officers.
4. A system of local government in counties, towns, cities, etc.
5. A body of State laws.
6. A judicial system of courts, from which no appeal can be had to United States courts, except upon Federal questions.
7. A system of local taxation.

Each State government has all the rights usually pertaining to a sovereign State, except—

1. Right of secession (settled by the civil war).

2. Those powers which the Federal Constitution expressly forbids to the States.

3. Those powers which have in the Constitution been exclusively given to the United States.

All States have public debts, which they may, and sometimes do, repudiate. They can be sued only by other States. The Eleventh Amendment declared that a citizen could not maintain a suit against a State. State laws are binding only within the boundaries of the State enacting them.

State Constitutions.—As the Federal Constitution is the supreme law of the United States, so the State constitution is the highest law of the States. The Constitutions of the original thirteen States were naturally formed after the model of the charters enjoyed by the New England colonies. In the colonies of Rhode Island, Connecticut, and Massachusetts their charters were adopted as constitutions without any change, except, of course, the annulment of obedience to the English king. All subsequent constitutions have been closely modeled after these first thirteen. The Federal Constitution provides that all State constitutions must be Republican in form. (For other conditions of admission of territories as States, see subject "Territories.") The modes of amendment of constitutions differ in different States, but in all, amendment is much easier of accomplishment than in the case of the Federal Constitution. This is shown by the fact that since 1776 there have been adopted by the States one hundred and five complete constitutions, and two hundred and fourteen partial amendments; while, since the passage of the first ten Federal amendments in 1789, there have been but five additional amendments. Some States provide that the constitution shall be submitted to the people for amendment at the end of certain intervals of time. In the larger number of cases a majority of the popular vote is required for ratification of a constitutional amendment. State constitutions show a tendency to become longer, and to regulate a constantly increasing number of subjects.

A normal State constitution has the following provisions:

1. A definition of the State boundaries.

2. A bill of rights (guaranteeing private rights, such as freedom of the press and speech, trial by jury in criminal cases, right to assemble and petition, etc.).

3. A frame of government, an enumeration of officers and powers of legislature, executive, courts of justice, etc.

4. Miscellaneous provisions, relating to administration of schools, militia, taxation, debts, local government, corporations, amendments, etc.

State Legislatures.—The legislature in all States consists of two Houses, of which the upper and smaller branch is called the Senate, and the lower and more numerous branch usually the House of Representatives, though in six States it is termed the Assembly, and in three the House of Delegates. The members of both houses are elected by popular vote, but Senators usually for a longer time, and frequently higher qualifications for them are required. States are divided into districts for election purposes, and, though members of the legislature may offer themselves for election from any district, it has become the invariable custom for them to be elected only from the districts in which they reside. Universal manhood suffrage, that is, the right of all male citizens over 21 years of age to vote, is the rule, though in eight States paupers have no vote, and in a few, a certain amount of education is required (generally enough to read the State constitution). The number of members in the State legislatures varies greatly. In the Senate, Delaware has the smallest number (9), and Illinois the largest (51). In the lower House, Delaware has likewise the smallest number (21), while New Hampshire has the greatest (321).

The Lieutenant-Governor of the State is *ex officio* President of the Senate. In all States, except six, sessions of the legislature are held only once every other year, and even then the length of the session is limited to a fixed number of days. As in Congress, business is conducted by means of committees, but are in both Houses elected by ballot. The State legisla-

tures have full charge and control of all local governments within their individual States. The Senate has the power of trying impeachments of State officials. It also ratifies appointments of the Governor. In all States, except four, acts of the legislature require the signature of the Governor before they become laws. To pass a bill over a veto requires in twenty-three States a two-thirds vote in both Houses; in two, a three-fifths vote, and in nine, a majority vote of the total number of members. A State legislature can enact no law which will be effective beyond its own boundaries.

State Executive.—The chief executive of the State is the Governor. Other chief officials are the Lieutenant-Governor, Treasurer, Attorney General, Secretary of State, Auditor, and Superintendent of Public Instruction. The term of office of the Governor varies in different States from one to four years. He has but small powers of appointment, most of the State officials being elected by the people. In all but four States he has a veto on legislation. He has the power of pardoning. The Lieutenant-Governor is President of the Senate.

State Judiciary.—The State judiciary includes three sets of courts:

1. A Supreme Court of Appeals, the highest court, from which cases involving Federal questions may be appealed to the Supreme Court of the United States.
2. Superior courts of record.
3. Various local courts, such as county courts, corporation courts, etc.

Each State recognizes the judgments of other States, and gives credit to their public acts and records, and delivers up to justice, on demand of the executive, any criminal fleeing from other States into her borders. In most of the States the judges are elected by the people, though in eight they are appointed by the Governor, and in five by the legislature. The Attorney-General conducts cases in which the State is a party, and manages other legal business in which the State is interested.

CHAPTER XV.

Local Government.

In the chapter on Government we learned that the people of the United States owe allegiance to two systems of government; the one a central national government, the other the state governments. We have now to mention a third system of governments, namely, local governments; for citizens of the United States live, in reality, under three distinct governments: first and highest, the National United States Government; second, State governments, and third, local governments. It is concerning local governments in the United States that we shall learn in this chapter.

Just as the whole United States is divided into forty-eight sections, each section being a State or Territory, so each State is in turn, for convenience in the administration of its government, divided into small local areas, each division managing those affairs which appertain to its own area. Many of these divisions, were not formed by dividing up the States. The divisions came first, or sprang up naturally within the States as soon as the colonies were settled. Social governments were the first governments formed in the settlement of our Western territory. Dr. Edward Bemis has described the beginnings of government in a new State in the following interesting manner:

"The genesis of local government in Western hamlets is very simple. First comes the settler who, ax in hand, clears the ground for his humble dwelling, and plants whatever seed he has brought with him. Then comes another settler and

another until perhaps a dozen families are established near. Two wants are now felt: roads, or at least paths from house to house, from hamlet to market town, and a school-house for the multiplying children. There is no strong central authority to provide these things, but the settlers meet and vote to tax themselves. The services of a supervisor, collector, clerk, constable and justice of the peace are required."[1] This is the beginning of the township and county. As population increases, other wants arise which only a stronger government can supply. A territorial, and then a State government are consequently formed.

The principal duties of local governments are those of education, police, sanitation, charity, the construction and maintenance of public roads, the administration of justice, the assessment and collection of taxes, etc.

There are three types of local government in the United States: First, the New England type, in which the unit of government is the town or township; second, the Southern type, in which the unit is the county; and third, the Western system, in which the New England and Southern systems are combined.

1st. Local Government in New England.—Here the unit of government is the township, or town, as it is usually called. There are few towns exceeding five square miles in area, and the population is generally less than 3,000. The New England township is therefore not a thickly settled area. When a town becomes closely settled it is incorporated as a city.

In the New England towns the people govern themselves directly. In the State and Federal governments the people are governed not by themselves, but through representatives chosen by themselves. The town or township form of govern-

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[1] Local Government in Michigan and the Northwest. *J. H. U. Studies in History and Political Science.* Vol. I, No. 5, p. 11.

ment is that of a pure democracy; the States and Federal governments are representative governments or republics.

The supreme governing power of a town is in the town meeting, composed of all qualified voters of the town. The town meeting is held in the Spring of each year. After the choice of a Moderator, officers are elected for the ensuing year, reports of officers for the past year read, and the amount of taxes to be raised and expenditures to be made during the year, determined upon. The officers are the Selectmen, three, five, seven or nine in number, who constitute the executive officers of the town, and administer the ordinances passed by the town meeting; a town clerk, who keeps a record of the proceedings of the town meeting, and a record of births, deaths, marriages, etc.; a treasurer, assessors and collectors of taxes, constables, and various other petty officers. Several offices are frequently given to the same individual.

The county also exists in New England, and is formed by the union of several towns, but it is of very little importance, and has but few duties. The township system is found in the Middle States, but in a modified form. It is less democratic as a rule—officers being elected by ballot, the town meeting generally absent, and county government more important.

2d. Local Government in the South.—Here the town (township) does not exist, except in a few instances. The unit of government for performing local duties is the county, which is much larger than the New England townships. The county government is managed by a Board of County Commissioners. These are elected not in open meeting as are the town officers, but by ballot. County government is therefore a representative or republican government. The county, wherever found, is primarily a judicial district. The chief officer for executing the decrees of the county judiciary is the sheriff. Other county officers are the treasurer, assessor, etc.

Local Government in the West.—Here, as before stated, we find the New England and the Southern systems com-

bined, but combined in different States in such various degrees as to make impracticable any attempt to describe them more particularly.[1] In consequence of the grants of land by the Federal Government to Western States for education, local areas for the administration of these funds have been formed. These are called school districts. Local government has tended to center around these districts, and they have in many cases become important administrative districts. Their boundaries coincide with the boundaries of the townships and counties, though a number of school districts may be in one county or township.

[1] More detailed accounts of the various systems of Local Government in the United States may be found in the early numbers of the *Johns Hopkins University Studies*, and also in Professor George E. Howard's *Local Constitutional History*, an extra volume in the same series.

CHAPTER XVI.

City Government.

The proportion of people in the United States who reside in cities is increasing. In 1790 there were only thirteen cities of 5,000 inhabitants and none with 40,000. Now there are over 500 that have a population exceeding 5,000 and 28 with a population of 100,000. In 1790 33 per cent. of the total population lived in cities of over 8,000 inhabitants, while to-day over 25 per cent live in cities of this size or over.

When any small area becomes thickly and permanently settled, and a certain population is reached (which varies in different States), the state legislature is appealed to, and a charter of incorporation as a city is granted. This enables the incorporated district to act independently of the county or township, to levy municipal taxes and carry out public improvements. Rapid as has been the growth of cities, the duties required of city governments have increased still faster.

The government of our large cities has become a question of vital importance. It would be difficult to give a complete list of the duties devolving upon them. The principal duties are (1) the collection of municipal and state taxes, (2) the establishment and care of public schools, (3) the administration of justice, (4) police supervision, (5) the support of a fire department, (6) the care of the streets, (7) of street gas and electric lighting, (8) of sewerage, (9) of the water supply, (10) of public parks, (11) of sanitation and public health, (12) of prisons, (13) the supervision of the liquor traffic, (14) the regulation of street railways, (15) the enforcement of building

regulations, (16) the supervision of charities, hospitals, asylums, etc.

The form of government of all our large cities is much the same. It is substantially a reproduction, in form, of the state governments. First, there is a mayor, who is the chief executive, and is elected directly by the people of the city. His term of office is sometimes only one year, though more often two, three, or four years. In almost all cases he has a veto on acts of the city legislature, which veto may, however, be overridden by a two-thirds vote.

Other subordinate officials are, the treasurer, collector of taxes, chief of police, health officer, etc. They are in part elected by the people, in part appointed by the mayor, or appointed by the city legislature. Practice varies in different cities.

City legislatures are of one or two houses. The larger cities usually have two houses, and the smaller cities one house.

The legislature is usually called the City Council, the upper branch the Board of Aldermen, and the lower and more numerous branch, the Common Council. The members of the city council are elected by the people. The acts of the council are called ordinances. They are not sufficiently general to merit the designation of laws.

City judges are usually elected by the people. The administration of the various duties of municipal government are generally given to special boards of officers, as the police department, fire department, etc. For election purposes, cities are divided into wards, and the wards into voting precincts.

Our methods of municipal government have proved the least successful of any of our institutions. Corruption and grave abuses exist in almost every one of the larger cities. Problems connected with city government are among the most important questions of our time.

CHAPTER XVII.

Government Revenue and Expenditure.

Government is an enormous business enterprise, maintained and operated by its citizens, that certain duties of a general interest and benefit may be performed. The magnitude of the work performed necessarily requires the expenditure of vast sums of money. The chief source from which these sums are derived is taxation. Taxes have been defined to be "the legally determined and legally collected contributions of individuals for meeting the necessary and general expenses of the State."[1] In the large majority of cases this is a good definition, but in a few instances it is too narrow. There are some taxes that are levied not primarily for the purpose of raising an income to meet the expenses of the government, but to subserve some other purpose. For instance, the maintenance of our high duties on articles imported into the United States from foreign countries has for its main purpose the protection of our industries from European competition. The large revenues that are derived therefrom are incidental. High liquor licenses, also, are maintained for the express purpose of lessening the consumption of intoxicating beverages.

The aim of every good government is to distribute its burdens of taxation, as well as its benefits, fairly and equitably among its citizens. It is the duty of every citizen to assist in the realization of this aim, by an intelligent, honest and

[1] Carl Knies.

disinterested vote. Equality of taxation means equality of sacrifice. Each person should contribute towards the support of the government in proportion to his means and the benefits enjoyed. It is the duty of every citizen, first to see that just and expedient tax laws are passed, then to pay his proper proportion, and lastly, to see that his neighbors likewise contribute their share. To obtain an equitable system of government revenue and expenditure has been the great motive force which, in the past, has urged the people forward in their efforts to secure popular forms of government.

The power to tax is legislative, and, according to our theory, can be exercised only by representatives directly elected by the people. The refusal of England in the last century to extend this principle of "no taxation without representation" to her colonies in America, lost her these possessions. A government to be stable and efficient must possess adequate powers for the collection of its revenue. The miserable condition to which the old Confederation was reduced by reason of the inadequacy of its powers in this respect, has already been discussed. Says Fiske: "Between the old Continental Congress and the government under which we have lived since 1789, the differences were many; but by far the most essential difference was that the new government could raise money by taxation, and was thus enabled properly to carry on the work of governing."[1]

The sources of government revenue other than taxes, are various, and differ in different countries. In our consideration of the revenues and expenditures of our national, state, and local governments we shall have occasion to notice the various means by which their treasuries are filled.

The Federal Government raises its revenues independently of the other governing bodies, from different sources, and by a different set of officials. Besides taxation, the

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[1] *Civil Government*, p. 77.

principal source of revenue is from the sale of public lands. Federal taxes are of two kinds:

1. Customs duties.
2. Excise or internal revenue duties.

Of these, much the greater sum is raised from customs duties. For the year 1889,[1] the total net receipts were $387,050,058. Of this $223,832,741 was derived from customs, and $130,894,434 from the internal revenue duties. The sale of public lands yielded in that year $8,038,651. The miscellaneous revenues amounted to $24,297,151.

Customs or tariff duties are taxes which have to be paid on a large class of goods imported into this country from foreign countries. These charges are collected by Government collectors, stationed in all our principal seaport cities, who inspect all incoming vessels and determine the amount to be paid, according to the rate determined by Congress. This system constitutes the so-called protective tariff policy of our country. Those commodities not so taxed are said to be on the "free list." How much, and on what articles these duties shall be levied, is the question upon which the Republican and Democratic parties differ; the former favoring high, and the latter low rates, that is to say merely enough to support the Government, or, as it is termed, "a tariff for revenue only."

Internal revenue duties are those taxes collected by the government from its own citizens upon a small class of articles produced in this country. The chief items of this class are distilled liquors, tobacco, and oleomargarine. In 1889, out of the $130,894,434 received from internal revenue, there was derived from spirits and fermented liquor $98,036,041; tobacco, $31,866,861; oleomargarine and miscellaneous, $991,532. These duties are collected by Government collectors stationed in every United States district, who visit the distilleries, collect the taxes, and see that the law is enforced. In

[1] For fiscal purposes the year begins July 1st.

several Southern States attempts to evade the law are very frequent and difficult of detection. The expenses of the vast postal system conducted by the Federal Government are very nearly defrayed by the charges made for postage, and the amount received by fees more than equals the expense of the Patent Office.

The State and Local Taxes are generally, for convenience, collected at the same time, and by the same officials, but independently of the Federal government. The Constitution of the United States forbids the States to derive a revenue from duty upon goods imported or exported. The States are, therefore, for the most part, restricted to a direct tax on property for the support of their governments.

The general method for raising this tax is as follows:

The legislature of the State, having determined what income is needed, apportion this sum among the counties, or, in New England, directly among the townships, in proportion to the value of the property situated within them, or establish a certain percentage tax on all property, to be collected in the same manner. So, similarly, the counties apportion among the cities and townships within their areas, in proportion to the value of their taxable property, not only what they have to pay to the State, but also the sums they have to raise for county purposes. Thus when the township or city authorities assess and collect taxes from the individual citizens, they collect at one and the same time three distinct taxes—the State tax, the county tax, and the city or township tax. Retaining the last for local purposes, they hand on the two former to the county authorities, who, in turn, retain the county tax, handing on to the State what it requires. Thus trouble and expense are saved in the process of collection, and the citizen sees on one tax paper all that he has to pay. The chief tax is the property tax, based on a valuation of property, and generally of all property, real and personal. Of this, by far the greater sum is realized from the tax on real property, (land and buildings on it). Cities and other local subdi-

visions, as has been stated, are raising their revenues more and more from the sale, taxation, or operation of such public franchises and rights as street-car lines, gas and water-works. Those who fix the value of taxable property and thus determine the amount the owners are to pay, are called assessors. Those collecting taxes are called collectors. The revenue of the States is seldom large in proportion to the wealth and number of the inhabitants, because the chief burden of administration is borne not by the States, but by the Federal government, on the one hand, and the local subdivisions of the States on the other. The total revenue of all the States is barely one-third that of the Federal government.

The Expenditures of all the governing bodies, Federal, State, and local, are kept entirely independent of each other. Those of the Federal government are for the benefit of all the States, while those of the other bodies are only for their own individual benefit. The Federal government receives much more than it expends, and has yearly a surplus on hand in the Treasury. The States and local bodies have in the past expended more than their revenues, making up their deficiency by loans on their credit.

The chief objects of Federal expenditure (in addition to the postal system already considered and for the most part supported by its own revenue) are: 1st, interest on the public debt; 2d, pensions to disabled soldiers; 3d, for the support of the civil branch of the government; 4th, war and naval expenditures.

Total expenditures for the year 1889 were $299,288,988. The chief items were:

1. Interest on the public debt, . .	$41,000,484
2. Pensions, ...	87,624,779
3. Civil service, ...	80,664,064
4. War and Navy, ...	65,815,079
5. Indians, ...	6,892,207

Money can be expended by the government only after it has been appropriated by Congress in its annual appropriation

bills. The appropriation of supplies by Congress is the most important business that it transacts. Every year the heads of all the different departments frame estimates of the amounts of money needed to support their departments during the following year, which estimates they send to the Secretary of the Treasury, who, after considering and revising them, transmits them to Congress in his "Annual Letter." This letter is considered by the Appropriation Committee, whose duty it is to consider and frame bills for the appropriation of moneys. Though guided by these estimates, supplies frequently depart widely from them. After being reported to the House and passed, money bills are sent to the Senate, where they are invariably amended by increasing the appropriations and are returned to the House. A conference committee is then appointed from the House and Senate Committees on Appropriations, who, after mutual concessions, agree upon such appropriations as will be passed by both houses. The House then amends the bill as agreed upon, passes it, and sends it to the Senate again, which in turn passes it, and sends it to the President for his signature. All bills for raising money must, by the Constitution, originate in the House. Besides the appropriations for the expenses of government there is annually authorized a large expenditure for improvement of rivers and harbors. Many of the expenditures authorized by these bills are undoubtedly unnecessary, but they are passed by general consent of the members, each of whom desires to increase his popularity at home by getting public money spent in his district.

The expenses of the State governments are not heavy, and are devoted to but few objects. The chief expenditures are for:—(1) the salaries of officials; (2) judicial expenditures; (3) the State volunteer militia; (4) grants to public schools; (5) public charities and institutions, as prisons, insane asylums, etc., (6) interest on State debts; (7) internal improvements and public buildings.

The methods of appropriations are similar to those employed by the Federal government.

The expenditures of the local bodies, and particularly cities, are much larger, in proportion to their population, than those of the States, and are increasing at a greater rate than the increase of population. The objects of expenditure are numerous and very important. The chief ones are: (1) Interest on local debts; (2) maintenance and care of the streets and roads; (3) lighting of streets; (4) police; (5) salaries of officials.

The following are outlines of the receipts and expenditures of the State of Maryland for 1888, and for the City of Baltimore for 1887. These figures are given not because they of themselves possess any especial importance, but because from them can be obtained an idea of the activity of a typical State and city.

Maryland.[1]—The total receipts from all sources were $2,542,130; and there was paid out $2,016,060. The chief receipts were from:

General Taxes,	$793,301
Licenses,	487,969
Corporation Tax,	73,553
Railroad Tax,	58,455
Inheritance Tax,	57,767
Income from Stocks and Bonds owned,	206,175
Fees,	17,585

Baltimore.[2]—The gross receipts into the treasury for the year ending December 31, 1887, were $8,446,439, and were chiefly from the following sources:

Taxes,	$4,210,112
Public schools, tuition fees, etc.,	6,766
Market houses, rent of stalls,	58,287
Wharfage and rent of wharves,	33,561

[1] Finance Statistics of the American Commonwealths: E. R. Seligman. Publications of Am. Statistical Asso., Dec., 1889.

[2] R. T. Ely, *Taxation in Am. States and Cities.*

General licenses,	44,609
Auction duties,	7,431
Dividends on stock in B. & O. R. R.,	130,000
Water rents,	745,446
Passenger railway companies,	132,167
From the State for public schools,	147,403
Temporary loan,	1,510,000
Receipts to pay interest on loans,	896,704
Sale of stock,	243,285

The total disbursements were $8,403,930. Of this $4,541,357 was spent on account of expenses of city government, the following being the principal items of expense:

Interest on the public debt,	$915,987
Expenses of law courts,	118,906
Expenses of jail, magistrates, &c.,	103,587
Public schools (less amount paid by State),	594,089
Expenses of poor,	210,739
Police department,	702,882
Street-cleaning department,	263,934
Fire department,	214,226
Street lighting,	221,203
Parks, &c.,	52,080
Salaries,	72,624
City council,	52,925

Nearly all of our State and local governments, as well as the national government, have contracted large public debts, the interest payments upon which constitute one of the chief items in their lists of expenditures. The present debt of the Federal Government is largely the result of the enormous expenditures occasioned by the Civil War. In 1865, August 31, it reached its highest point $2,381,530,294, with an annual interest charge of $150,977,697. Since then it has been steadily reduced until in 1889 the total interest-bearing debt was but $829,853,990, with an annual interest charge of $33,752,354.

The principal of the national debt is mainly in the form of interest-bearing bonds held by the National banks and private individuals. These bonds are of various denominations and are promises of the government to pay the sums named on their face, at the expiration of a certain period. The bonds at present unpaid, and as such constituting the major portion of our national debt, are principally of two kinds; those bearing four and one-half per cent. annual interest and falling due in 1891, and those bearing four per cent. interest and falling due in 1907.

The debts of most of the States were contracted by ill-advised and untimely systems of internal improvements. The total state indebtedness June 1, 1890, as shown by the Eleventh Census, was $238,396,590, a decrease of slightly over $58,000,000 in ten years. The tendency now seems to be for States to withdraw from the money market as borrowers, and for the county and city governments to take their place.

The local debts are very large, and have shown a marked increase during the last twenty years. They have been for the most part incurred in improvements and construction of public works, which have in most instances well repaid the debts incurred.

CHAPTER XVIII.

Money.[1]

No man by himself produces everything he wants to use, but devotes his time to the production of some few things, and the surplus that he does not use, he exchanges for other things made by other men. In rude stages of society this is done by a direct exchange of one commodity for another, *e. g.* so much wheat or corn for a gun or plow. This is a very imperfect and cumbersome method, which cannot be employed in our present complicated transactions of buying and selling. There thus early developed the use of money, or the practice of referring the value of all things to one standard, usually the precious metals: so that, instead of trading 20 bushels of corn for a plow, where it would be necessary to go to the great trouble of finding a man who had a plow, and also wanted your corn, you sell it for so much money, and with this money you buy a plow. Money is thus but a medium of exchange and a standard of value.

In the United States, as in most nations, money has always been made by the Government, and the Government alone, so that one certain fixed system may prevail. For the sake of convenience, money is made of various kinds and denominations, and United States money may conveniently be regarded under the five following divisions:

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[1] In the preparation of this article, much assistance has been derived from an article by H. C. Adams contributed to the *Chautauquan*.

1. ***Gold Coin, Gold Bullion, and Gold Certificates.***—There are six gold coins: (1) the eagle, $10 piece; (2) the double eagle, $20 piece; (3) the half eagle, $5; (4) the quarter eagle, $2.50; (5) the $3 piece, and (6) the $1 piece. The three last are but little used. The gold bullion, or gold in bars and blocks uncoined, is for all practical purposes as good as the coin, and in foreign trade is much used, it being more convenient to handle. Besides the gold coin and bullion there are in circulation gold certificates. These are paper, the same in general appearance as the ordinary bank-note, and certify that an equivalent amount of gold has been deposited with the Treasurer of the United States, and that the holder of the certificate has the right to obtain the gold for it at any time. This does not increase the amount of money in circulation, as for every one issued just so much coin is withdrawn and stowed away in the Treasury. The certificates are used simply for convenience, and in order to avoid the necessary wear of the coin if in constant use. These certificates are of the denomination of $20.

2. ***Silver Dollars and Silver Certificates.***—There is no silver bullion circulating as money, for a silver dollar does not contain a dollar's worth of silver, as the gold dollar does of gold, and the silver bullion is thus of different value (less value), according to weight, than the silver dollar. The silver certificates are similar to the gold certificates, already described, and certify that an equivalent amount of silver has been deposited in the Treasury.

3. ***Subsidiary and Minor Coins.***—All coins of a lower denomination than $1 belong to one or the other of these two classes. There are three subsidiary coins, the fifty cent, the twenty-five cent, and the ten cent pieces. The three cent piece is no longer coined. All other coins are minor coins. The peculiarity of the subsidiary and minor coins is that they are, as compared with the standard coins (gold and silver dollars), of a greater value than the value of the metal they contain. The subsidiary coins are legal-tender to the amount

of $10, the minor to the extent of twenty-five cents. By legal-tender is meant that the government has ordered that it must be received in payment of all debts and articles bought. Gold coin and the silver dollars and certificates are legal-tender to any amount.

4. ***Treasury Notes.***—Under this head are included that form of money ordinarily known as "greenbacks," from the color of their backs. They were originally issued during the civil war, and are promissory notes on the part of the government, and as such constitute a portion of the debt of the government. They are paper, which of itself is of no value, and no coin is deposited in the Treasury which they represent, as in the case of the gold and silver certificates. They thus cost the government nothing, and, as they are made legal-tender, and paid out by the government, they were just so much clear gain to it. At first they were not redeemable, *i. e.*, exchangeable for coin at the Treasury, but since 1879 they are, and are therefore just as valuable now as any other form of money, though formerly worth much less than their face value. One hundred million dollars in gold is kept on deposit in the Treasury for their redemption.

5. ***Notes of National Banks.***—This is the one form of money that is not issued directly by the Federal government, but through the agency of what is called our "National Banking System," which may be thus described: A national bank can be organized by any number of men, provided the capital stock of the bank is at least $100,000. One-third of the capital must then be invested in government bonds and deposited in the United States Treasury. The bank may then issue notes to the extent of 90 per cent. of such deposit. Such notes are thus amply secured by the deposits with the government. The government guarantees their payment, and so they circulate as well as the certificates issued directly by the government. Thus a great deal of the paper money in circulation is issued by the national banks, which must, on demand, be redeemed with coin, and, in case of failure of the

banks, are paid by the government, which reimburses itself from the deposits. A bank-note differs from a Treasury note in two particulars. The Treasury note or "greenback" is a promise of the government, and is legal-tender in payment of all private debts; the bank-note is the promise of a private company, and is not legal-tender. A bank-note is said to be paid when the bank gives a greenback or coin for it. A greenback is said to be paid or redeemed when the government gives gold for it.

The following figures, taken from the report of the Secretary of the Treasury for 1889, give the amounts of the various sorts of money described in the foregoing, which were then in the Treasury, in the banks, and in the hands of the people:

Gold coin and gold bullion, . . .	$680,063,505
Silver coin and silver bullion, . .	343,947,093
U. S. Treasury notes, ...	346,681,000
National Bank-notes, ...	211,378,963
Subsidiary coins, ...	76,601,836

It will be noticed that gold and silver certificates are not included, for, as explained, they merely represent an equal amount of coin or bullion on deposit.

The total amount of money is thus approximately $1,660,000,000, which, divided by the total population, gives about $27 per capita. It should be borne in mind in connection with these figures that other devices, such as checks, drafts, bills of exchange, and other forms of credit, are used side by side with money in carrying on trade and serving the same purposes.

By the Compromise Silver Bill of July 14, 1890, provision was made for a new kind of paper money. By this act the Secretary of the Treasury was directed to purchase, from time to time, silver bullion to the amount of 4,500,000 ounces each month, and to issue in payment for such purchases Treasury notes; these notes so issued to be redeemable on demand in coin, and to be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated.

CHAPTER XIX.

Public Lands of the United States.

Prior to 1781 but six of the original thirteen States—New Hampshire, Rhode Island, Maryland, Pennsylvania, New Jersey, and Delaware—had exactly defined boundaries. The others claimed lands of various extents, stretching to the Mississippi River, or even to the Pacific Ocean. The title to to all this land was then in the individual States, and the National Government, as such, had no land of its own. This question of the ownership of the western land was one of the subjects of controversy and discontent between the States. It delayed the adoption of the Articles of Confederation for some time. Those States with little or no land regarded with jealousy their more fortunate neighbors, and would not consent to a union until a settlement or understanding was reached.

The Articles of Confederation were adopted only after assurance was made that all the public lands would be ceded to the Federal Government. This was finally done by the States.

The Government formed under the Constitution succeeded to all this land, and in addition, to further cessions made by the States, the last being that of Georgia in 1802. The subsequent additions of territory were made directly to the United States, and not to the States, and all land thus gained was held as public land to be disposed of by Congress.

While the area of the United States is 3,603,884 square miles, the public domain which has been acquired by cession, purchase, or conquest, to be disposed of by the Government

as it desires, has amounted to 2,708,388 square miles, or about two-thirds of the total area of the country.

The absolute title to this land, as before stated, became vested in the United States Government. The disposal of these lands has always been under the sole power and control of Congress.

This land was all thinly populated by Indian tribes, who merely hunted over it, leaving unimproved its natural fertility and vast mineral resources. These tribes, being actual occupants, were recognized to have a sort of half interest in the land. This half ownership was always first extinguished by the United States by purchase for small sums, or by the granting of certain privileges, etc., before it was opened up for settlement and occupation by the white man. Land is still held, to a considerable extent, in this way by the Indians. This right of the Indians can be extinguished only by the United States, as they are not allowed to sell or treat at all with individuals or States or foreign nations.

Until 1812 the affairs of the public domain were managed by the Secretary of the Treasury. In that year the office of Commissioner of the General Land Office was created, which remained a bureau under the Treasury Department until 1846. On the creation of the Interior Department in that year, Indian affairs were transferred to it, and have remained under the same management until the present time. This bureau has complete charge of all matters relating to the management and disposal of the public lands, subject to the direction of Congress.

Almost every conceivable method of disposing of this land has been followed. The Government has, however, never assumed the position of landlord and rented the land, except in one case of some mineral land, and this experiment resulted disastrously. Before the land could be disposed of, it was necessary that it should be surveyed by the Government. To do this there was adopted as early as 1776, the so-called rectangular system, which, with slight changes, has been

continued until the present time. By this system there are first surveyed a base and a meridian line, crossing each other at right angles, running north and south and east and west. From these fixed lines the land is surveyed and marked off into rectangles of six miles square, each thus containing thirty-six square miles. This is called a township. This is again divided up into sections of one square mile each or 640 acres, and this again into quarter sections of 160 acres each. In some cases these are still further subdivided.

The regulation and disposition of the public lands has been one of the chief duties imposed upon Congress.

The chief methods by which the public lands have been disposed of are as follows:

1. ***Educational Grants.***—Congress from the very first provided liberally for the establishment of common schools through grants of public lands for this purpose. As each township is surveyed one quarter section of 640 acres is set apart for common schools. This has continued from the beginning down to the present time. In addition, large grants have been made specially for the endowment of universities. Within later years land has been given to every State to found State military and agricultural colleges. Up to the year 1888, there had thus been granted for educational purposes 77,448,192 acres.

2. ***Land Bounties for Military and Naval Service.***—There have been granted by different acts bounties of public land, in the nature of pensions, to the soldiers and sailors of the United States Army, on their honorable discharge, for their service to the Government. The amount of land thus granted (1880) has been 61,028,430 acres.

3. ***To the States for Internal Improvement.***—There was granted to the States during the years from 1828 to 1846, for the improvement of rivers, building of canals, wagon roads, railroads, etc., 162,230,099 acres.

4. ***Sale of Public Land.***—Under this head there are two classes of public land—first, that which may be bought for

the minimum rate of $1.25; and, secondly, the alternate sections along the railroads (the other alternate sections being granted to the railroads), the minimum price of which is $2.50. There have been sold in all 192,584,116 acres, realizing $233,000,000.

5. ***Under the Pre-emption Acts.***—These acts, passed at various times, provide that where a man, a citizen of the United States, settles upon and cultivates for a certain length of time, a tract of land not greater than 160 acres, the United States will give him such tract.

6. ***Under the Homestead Acts.***—The homestead laws have created a better and more certain manner for settlers to acquire land than under the pre-emption acts. By these acts it is provided that any citizen who will select either 160 acres of the $1.25 land, or 80 of the $2.50 land, can then get a permit from the land office, settle on his land, and acquire a title to it.

7. ***Under the Timber Culture Act.***—This act gives to any one the right to 160 acres of the $1.25 land if he will plant 10 acres in timber, or 80 acres of the $2.50 land if he will plant 5 acres in timber.

8. ***Certain Lands to States.***—Quite a large quantity of the public land has been given to the States on account of its quality, as swamp or overflowed land, and for various reasons, to the extent of 158,417,514 acres.

9. ***Grants to Pacific and other Railroad Companies.***—The nature of these grants have already been spoken of in another chapter. From 1850 to 1872 a total of 150,504,994 acres was given for railroad construction.

CHAPTER XX.

Reconstruction.

The conclusion of the civil war in 1865 did not relieve the United States Government of its extraordinary difficulties. There was the whole South, a conquered territory, occupying the anomalous position of a district, still within the Union, yet possessing no legal state governments. The Confederate government had now been destroyed by the North, and the South was thus without a government. Four million slaves had been liberated, who were uneducated, without money, and living among people hostile to them. Congress had to provide for and protect these freedmen in their rights. The work to be done by Congress, was then:—1. To decide upon what terms and upon what conditions the seceded States should be re-admitted into the Union, and to provide for them a government until such re-admission. 2. To protect the negro.

The South, though in the Union, had at this time, of course, no representation in Congress, and consequently, the Republicans were in great majority. Unfortunately, Johnson, who succeeded to the Presidency at the death of Lincoln, though a Republican, disagreed with his party, and legislation upon this subject was only secured by passing all acts over his veto by a two-thirds vote.

After much discussion, the first Reconstruction Bill, "to provide for the more efficient government of the rebel States," was passed in 1867, vetoed by the President, and passed over his veto. Its principal provisions were—1. The insurrectionary States were to be put under United States control, and

for this purpose divided into five military districts, over each of which the President was to appoint a commanding officer. 2. The people of the various States might hold a delegate convention, elected by the citizens who had not been deprived of the right to vote for participation in the rebellion. The convention was to prepare a new constitution, which constitution was to be then submitted to the vote of the people, and when ratified by them and approved by Congress, should go into force, and the State be entitled to representation in Congress. Before approval by Congress the constitutions adopted by the rebel States had to agree in all the following particulars: (1) abolishing slavery; (2) declaring null and void all debts created by States in aid of the rebellion; (3) renouncing all right of secession; (4) declaring the ordinance of secession which they had passed null and void; (5) giving the right to vote to all male citizens, without regard to color; (6) prohibiting the passing of any law to limit or abridge the rights of any class of citizens.

In 1868 the Fourteenth Amendment was adopted by a sufficient number of States, and was declared a part of the Constitution.

In 1871 all the States were, for the first time since 1861, represented in both houses of Congress. Reconstruction by Congress was then completed.

CHAPTER XXI.

Party Machinery.

In all the States, counties, cities, and even in the smaller subdivisions of wards, political parties are thoroughly organized, with acknowledged leaders, and under systems of rules or party government. This party government, or "machine," as it is called, has been created by no law or constitution, but is one which has been gradually formed by the voters themselves, and under which they have voluntarily placed themselves, in order better to succeed in their elections, well realizing that the best chance of success is by having all the voters of their party united on certain principles embodied in a party platform, and having candidates so nominated that the whole party will recognize them as their choice.

The aims of party organization are: First, union, that is, having all voters united as to candidates and platform; and second, recruiting or the gaining of new adherents.

There are at present two opposing political parties, both striving for the control of the Government. Both have very nearly the same system of party government, but their organizations are totally distinct and separate one from the other.

There are two distinct parts of party government. They are; first, sets of committees, whose business it is to do all the work of managing elections, such as raising and applying funds for election purposes, organizing meetings, providing speakers, publishing and distributing political tracts and other information, and stirring up enthusiasm by parades and fire-

works, etc. They have also the important duty of calling together nominating conventions.

The second part of the "machine" embraces the nominating conventions, which propose the names of the candidates whom their party are to support for election. These assemblies are called together by the committees periodically, for the purpose of specific nominations, and cease to exist as soon as their work is done. Besides nominating candidates, the conventions draw up the platform, which is a statement of party principles, beliefs, and pledges. To provide for their reassembling next time, they also elect a new committee, for the next term; and also send delegates to the next higher convention. Thus are found committees and a nominating convention, managing not only national and state elections, but even arranging and managing elections in the smaller electoral subdivisions.

There is a committee and a nominating convention for every city, for every county, for every district, and for every State. There are, then, throughout the whole United States, such committees, each controlling its own local affairs, but yet all related to each other, thus forming one vast organized system.

Beginning with the smallest and lowest, let us show their mutual connections and workings. Starting, then, with the township convention, or convention of a city ward, we find that all the voters of the party are called together on a certain day by a committee (which was chosen at the preceding meeting) for the purpose of nominating candidates for local affairs, and naming delegates to represent them at the city or county convention. The city or county convention, composed of these men, is called together by the city or county committee. It first nominates candidates for the city or county offices, and selects delegates to the state convention, and also provides for the next meeting by the election of a new committee for the ensuing year. In similar manner, just before every state election, the state convention, composed of city and county

delegates, is called together by the state central committee. Here are nominated men for state officers; a new committee is appointed to manage state elections; and also, once every four years, the important duty of selecting Presidential electors is performed. The Democrats also select, in this state convention, their delegates to the National Presidential Nominating Convention. The Republicans select but four delegates from each State in state conventions, the remainder being appointed in district conventions. Following the same method the National Central Committee calls together a National Convention of all the delegates which have been appointed by the State, for the purpose of (1) nominating candidates for their party for President and Vice President; (2) drawing up and accepting a party platform; (3) selecting a new National Central Committee for the next four years, which committee is to manage the election campaign and call the next National Convention.

CHAPTER XXII.

National Conventions and Presidential Campaigns.

History and Development of the National Convention.—In the Presidential elections of 1789 and 1792 there was no necessity for regular party nominations, as the whole people were practically unanimous in favor of Washington. Likewise in 1796 it was so well understood that Adams was the man desired by the Federalists, and Jefferson by the Democrats, that formal nominations were not required. But, commencing with 1800, political parties were more divided in their choice, and some method was demanded by which it might be decided on whom the party should unite. From 1800 to 1820 this demand was met by nominations made by Congressmen, in caucuses, or private meetings, of the members of each party. This method finally proved unsatisfactory to the country, but from 1824–1835 no new and better method was invented, and nominations were made rather irregularly, each State legislature proposing the name of its favorite. This method of nomination naturally failed to unite the voters of the party, in all the different States, on one man, and had to be abandoned. After a failure to revive nomination for President by Congressional caucuses, a new method was developed and adopted, which was by National Nominating Conventions, such as we have to-day. The introduction of this last plan may fairly be dated at 1840. National Conventions were first held at Eastern cities, but are now held further West, to accommodate the shifting center of population, Chicago being the favorite city.

The National Convention is composed of delegates from all the States. Each State sends twice as many delegates as it has representatives in the National Senate and House of Representatives, thus making a total now of 802. In addition to these, the Republicans allow two delegates from each of the Territories.

Method of Procedure.—As soon as the State and Territorial delegations arrive in the city they each elect a member for the new National Central Committee for the next term. Inside of this committee is chosen an executive committee, which, in reality, does all the work of conducting the campaign. The members of this committee are almost always men of wealth, and are expected to contribute liberally to the campaign fund.

The business of the National Convention is commenced by the chairman of the National Central Committee calling the convention to order. A temporary chairman is then chosen, who appoints a "committee on credentials," whose duty it is to decide which delegation shall be admitted in case two delegations are sent from the same State, both claiming admittance as representing the party in that State. A "committee on resolutions" is also appointed to prepare the party platform. The next day the permanent chairman is appointed. The platform is then read and adopted, or amended and adopted. There is next an alphabetical roll-call of the States, when names are proposed and seconded for nomination as candidates for President. The average number of names proposed is seven or eight, though sometimes as many as twelve are offered. As each man is proposed the delegate presenting his name extols him in a laudatory speech, and gives reasons why his man will make a strong candidate and an able President. Voting then commences. Each delegate has one vote. In the Republican convention a majority of the whole number of the delegates voting for one man is required before a nomination is reached, while the Democrats require a two-thirds vote. Sometimes a nomination is made on the first bal-

lot, while at other times the convention has been so divided that as many as 53 ballots have been required, as was the case when the Whigs nominated Scott. Forty-nine ballots were needed when Pierce was nominated by the Democrats. In 1888 Cleveland was nominated by the Democrats by acclamation, no vote being necessary to show the wishes of the delegates. Harrison was nominated by the Republicans on the eighth ballot.

A candidate for President having been selected, a Vice President is nominated in a similar manner, though generally with much less trouble, and the work of the convention is ended.

The candidates are now put before the people by their respective parties. The people, of course, do not vote directly for them, but what amounts to the same thing, vote for electors, who are pledged to vote for them. A vigorous campaign of four months then follows, until election day, in the first week in November.

Each candidate, a short time after his nomination, is expected to publish a letter of acceptance, in which he expresses his full confidence and belief in the platform which his party has adopted, discloses his views, and outlines what his future policy will be if he is elected.

To recapitulate, then, in a few words, let us see how a President is nominated and elected.

In nominating the President each voter in caucus or primary meeting shares in choosing delegates to the ward convention, which chooses delegates to the city or county convention, which in turn sends delegates to the district conventions. In these, delegates are chosen for the State conventions, where Presidential electors are appointed, and also the delegates sent to the National Convention.

In the National Convention, composed of delegates sent from the State conventions and Territories, the Presidential candidate is nominated. The electors are elected by the people, who in turn elect the nominees of their National

Convention. If State officers, as Governor, Attorney-General, Secretary of State, Treasurer, etc., are to be elected, they are nominated in the State conventions and elected by the people.

Besides counties, townships, and cities, States have other sub-divisions for political purposes. Thus the whole State is divided into senatorial districts, each one of which sends one Senator to the State legislature, and also into smaller districts, each one of which sends one member to the lower house of the State legislature. Usually a senatorial district is one or more counties, except in the case of large cities, which may in itself contain two or more senatorial districts.

CHAPTER XXIII.

Introduction to the Study of the History of Political Parties in the United States.

A knowledge of the nature of our federal government, and its relations to the State Governments, of which it is composed, is a prerequisite to an understanding of the history of our political parties.

The government of the United States is a federal republic, first formed by the voluntary union of thirteen commonwealths. At present it is composed of forty-four united States. It is a government of enumerated powers, and in this respect differs radically from the governments of the individual States. As all agree, the Federal Government possesses only those powers specifically granted to it by the constitution. The States possess all powers except those granted to the National Government, and those not prohibited to them by the terms of the constitution. When the government of the United States desires to exercise a power, it must be proven that it was the intention of the framers of the constitution, and so expressed in that instrument, that it should possess such a power. The States in the exercise of their powers need only show that they have not resigned that power. If there be any dispute as to the constitutionality of an act of either Congress or a State legislature, the point is decided in the final instance by the Supreme Court of the United States.

In the political history of our country since the adoption of the constitution, there have been ever present two great constitutional questions, in the conflicting answers to which we

must seek the origin and creeds of our great political parties. If we can gain a proper conception of the character of these two questions, we shall have taken a long step towards the understanding of the reasons for the conduct of the various opposing parties, and the basis of the disputes arising between them. These have been the two questions. First, What is the extent of the powers granted by the constitution to the National Government? Second, What is the real nature of our Union; and, arising under this problem, What is the extent to which the States are justified in opposing what they believe to be unconstitutional acts on the part of the National Government; and, Can a State or States, as a last resort, withdraw from the Union? The remainder of this chapter will be mainly devoted to a more particular examination of these questions.

What are the legitimate powers of the United States Government?

The United States government was the result of the union of thirteen independent colonies—a union voluntary on the part of the colonies, yet forced upon them by the evident need of some central power strong enough to enforce obedience at home and demand respect abroad. The determination of what and how many the national powers should be, was the work of the Constitutional Convention. Of the difficulties of this task we have already spoken.

In forming a scheme for a central government, there was the double necessity of creating a government strong enough to perform the duties for which it was established, and yet not so strong as to endanger the free self-government of the States. The delicate point to be adjusted was to give to the Federal Government only such powers as were necessary for the establishment of an effective National Government, and, as far as possible, to retain in the States their full governmental powers; in other words, to harmonize federal strength with State sovereignty.

The fear exhibited by the States in the debates preceding the adoption and ratification of the constitution of 1787, that the National Government might become too strong at the expense of their own powers of government, was not set at rest by the compromises obtained in the convention, nor by the eleven amendments adopted soon after the inauguration of the new government. The reason for the continuance of this fear is that the constitution is so worded that the powers of the general government are not precisely fixed.

The statement sometimes loosely made that a description of our government is contained in the constitution, is apt to be misleading. The constitution has served rather as a foundation upon which to build the government, than as an entire framework. As a distinguished writer has termed it, "The constitution was meant only as a scheme in outline, to be filled up afterwards, and from time to time, by legislation."

A description of our present form of government is far from being contained in the instrument adopted in 1788. For example, the constitution makes no mention of how business shall be transacted by the legislature. Committee Government in Congress owes its existence to no provision of the constitution. The only mention made in the constitution of the Speaker of the House, to-day the most powerful officer in the legislature, is where it is provided that "The House of Representatives shall choose their speaker and other officers." All executive departments—the State, War, Navy, Treasury, Post Office, Interior, Justice, Agriculture, and Labor—have been created from time to time by act of Congress. Regarding the structure and number of federal courts, the constitution merely provides that "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish." Our elaborate system of district, circuit, and territorial courts, rests solely upon congressional enactments. So, too, the constitution gives to Congress the control

of territories, but does not provide how that control shall be exercised.

The framers of our constitution were wise in not attempting to specify more particularly than they did, the manner in which the several powers granted to the Federal Government should be exercised. They realized that they were forming a scheme that was to endure for many years, and that if it was to be capable of meeting the needs of a changing and rapidly growing country, it would have to be elastic, and contain within itself the power of adapting itself to new needs and conditions. To secure the beneficial execution of the powers granted, Congress was given the power of selecting appropriate means. To have refused the grant of this power, would have been to attempt to provide by unchangeable rule for emergencies that could by no possibilities be foreseen. Or, as Chief Justice Marshall has put it, "It would have been to deprive the legislature of the capacity to avail itself of experience, to exercise its reason, and to accommodate its legislation to circumstances."

After enumerating the various particular powers given to the Federal Legislature, the constitution further says (Art. I, Sec. 8) "and [shall have power] to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." This is the clause under whose authorization all those powers have been assumed, and functions exercised, that have made the United States government of to-day so different from that of 1789.

The general rule is, as has been said, that the United States government possesses only those powers granted to it by the constitution. But here, in this clause just quoted, is a general grant of all powers necessary or proper for carrying into effect any of the powers particularly granted. Who or what is to decide just what powers are necessary and proper for the accomplishment of this object? Naturally people have not been

able to agree upon the question of just what powers are constitutional or expedient as "implied" under this title of "necessary and proper" and this question has been largely instrumental in dividing the people in opposing political parties. There has always been a party, the members of which, favoring great powers for the States rather than for the Federal Government, have been "strict constructionists," and have advocated a close and narrow interpretation of this clause of "implied powers." From their desire to retain in the State governments as many powers as possible, they have been known as the "States' Rights Party." Opposing them has been the party of "loose constructionists," the members of which have held to a free, liberal interpretation of the constitution, and have endeavored to increase the power of the Federal Government. There have never been political parties styling themselves "Strict Constructionists" and "Loose Constructionists," for these are terms that have been used not as titles, but as definitions of different principles of constitutional interpretation. But by whatever name they may have been known, there have been, during the greater part of our history, these two political parties, the one holding to the principle of strict construction and States' Rights, and the other to that of loose construction and federal power.

The second fundamental question spoken of in the beginning of this chapter as underlying national politics, is concerning the nature of our union and the rights of state nullification and secession.

A final answer to these questions cannot of course be here attempted, but that which can be done, is to state in a few words just what their meaning is, and the points upon which they have turned. When we come to the consideration of the course of politics in the United States we shall see the answers that history has given to them.

The government of the United States is the judge of its own powers, for it is in its own supreme judicial tribunal that the constitutionality of both State and Federal laws is finally

determined. More than once has a practical answer been demanded to the question What is to be done by a State or States when, in their estimation, the National Government has transcended its powers and legislated in an unconstitutional manner? Obedience, nullification, or, in the last resort, secession from the Union, have been the various alternatives that have offered themselves to the States. Different views of the nature of our Union have sustained the propriety of the selection of different ones of these alternatives.

According to the nullification theory, the constitution is held to be of the nature of a compact between the States as one party and the Federal Government as the other; and that, as in all contracts, if the agreements contained therein are broken by the one party, the other party has the right to refuse its assent thereto. Therefore, if the United States government attempts the exercise of powers not granted in the compact, the States have the right to interpose the "rightful remedy" of "nullification." That is to say, that each State has the right to determine for itself when an unwarranted power has been assumed by the general government, and in such a case to declare the obnoxious law null and of no force within her own boundaries.

In considering the question of nullification, it is necessary to distinguish between the theory or rather method of nullification propounded by Madison and Jefferson in the Virginia and Kentucky Resolutions, from that of Calhoun brought forward at the time of South Carolina's resistance to, and attempted nullification of, the Tariff laws of 1828, and 1832. In the Virginia and Kentucky Resolutions the Alien and Sedition Acts were solemnly declared to be unconstitutional, that the Union was a compact, and the States had the right to interpose the remedy of nullification; but open resistance was not proposed. By the Jeffersonian theory, it was proposed to obtain the opinion of three-fourths of the States that the acts were unconstitutional, and thus to "nullify" them after the

manner of a constitutional amendment. Until such nullification, the laws were to be obeyed.

The Calhoun doctrine was something entirely different from this. According to his doctrine, any single State might order at once a suspension of the law within her borders, and not until three-fourths of the States in national convention had overruled the nullification could the State be forced to obey the obnoxious law. To use Calhoun's own words, his theory was, that "it belongs to the State, as a member of the Union, in her sovereign capacity in convention, to determine definitely, as far as her citizens are concerned, the extent of the obligation which she has *contracted*; and if, in her opinion, the act exercising the power in dispute be unconstitutional, to declare it null and void, which declaration would be obligatory on her citizens." The sum and substance of this was, as Von Holst has pointed out,[1] to give to one-fourth of the States the power if they saw fit to deprive the Federal Government of every power entrusted to it, that is, to alter the constitution at will.

The right of secession follows as a logical outcome of the theory of nullification rigidly carried out. Federal laws are general in their nature, and if binding anywhere, must be binding everywhere. If then, a minority of States insist on their right of nullification, the federal government will be obliged either to admit that every act of Congress is without any force in a State until it has obtained the tacit approval of the people of that State, or else it will be driven to the necessity of obtaining the enforcement of the law by arms. Such employment of force would of course be but the prelude to secession. Indeed, South Carolina, in her Ordinance of Nullification, declared that she would secede, if the United States did not repeal the obnoxious laws, or if she should attempt to enforce the collections of the tariff duties provided for by the acts in dispute.

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[1] *Constitutional History of the United States*, Vol. I, p. 474, note.

According to the Unionist view, it is held that in no case has the individual State the right to resist the operation of a federal law, much less does it possess the actual power to pass a law affecting its relation to, or continuance in, the Union. This view is supported by an interpretation of the constitution that denies to that instrument the character of a compact between the States and the National Government. The constitutional theory of this school is that the National Government was formed *by the people* as a whole, and not by the States. That the States accepted this government, but were in no sense parties to an agreement between them and the Nation. According to this view, the Union began with the first acts of resistance taken in common by the colonies, and is thus, in a sense, older than the state governments, which were not formed until after the Declaration of Independence. Also, that when the States gave in 1788 their consent to the constitution, their consent was irrevocable. Two quotations from decisions rendered by the Supreme Court of the United States will make clear the arguments and theory of the Unionists.

Said Chief Justice Marshall:[1] "The convention which promulgated the constitution was indeed elected by the state legislatures, but the instrument when it came from their hands, was a mere proposal, without obligations or pretentions to it. It was reported to the then existing Congress of the United States, with a request that it might 'be submitted to a convention of delegates chosen in each State by the people thereof, under recommendation of its legislature for their assent and ratification.' This mode of proceeding was adopted, and by the conventions, by Congress, and by the state legislatures, the instrument was submitted to the people. They acted upon it in the only way in which they can act safely, effectually, and wisely on such a subject, by assenting in convention.

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[1] *McCulloch* v. *Md.*, 4 Dall., 316.

It is true they assembled in their several States, and where could they have assembled? From these conventions the constitution derives its whole authority. The government proceeds directly from the people. The assent of the States in their sovereign capacity is implied in calling the convention, and thus submitting that instrument to the people. But the people were at perfect liberty to accept or reject it, and their decision was final. It required not the affirmance of, and could not be negatived by, the state governments. The constitution when adopted was of complete obligation, and bound the state sovereignties. The government of the Union then, is emphatically and truly a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit."

Said Chief Justice Chase:[1] "The union of the States never was a purely artificial and arbitrary relation. It began among the colonies, and grew out of common origin, mutual sympathies, kindred principles, and geographical relations. It was confirmed and strengthened by the necessities of war, and received definite form and character and sanction from the articles of Confederation. By these the union was solemnly declared to 'be perpetual.' And when the articles were found to be inadequate to the exigencies of the country, the constitution was ordained 'to form a more perfect union.' It is difficult to convey the idea of indissoluble unity more clearly than by these words. What can be more indissoluble if a perpetual union made more perfect, is not? But the perpetuity and indissolubility of the union, by no means implies the loss of distinct and individual existence, or of the right of self-government by the States. . . . Without the States in Union, there could be no such political body as the United States. Not only, therefore, can there be no

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[1] *Texas* v. *White*, 7 Wall., 750.

loss of separate and independent autonomy to the States, through their union under the constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments are as much within the design and care of the constitution, as the preservation of the Union and the maintenance of the National Government. The constitution in all its provisions looks to an indestructible Union composed of indestructible States."

A civil war of four years' duration has decided the Unionist theory of our government to be the one under which the Nation is to be governed. Whether or not, in point of fact, the Nation was older than the States, and the constitution not a compact, but an indissoluble Union, will always remain a question to be discussed. The dispute turns upon a point that does not admit of final determination. We can only theorize. To maintain the view that the Union is older than the States it is necessary to show that the Continental Congress was of such a character, and its powers of such a nature, that a true national government may be said to have existed before July 4, 1776, and therefore, that the Declaration of Independence and the consequent transformation of the colonies into States were not the result of the individual action of separate colonies, but of the whole people united in a nation. And, following from this, that the States were never out of the union, but that the individual colonies became States, only as belonging to the United States. Consequently that the theory of a 'compact' between the States and the United States is untenable, for at the time the United States was born, the States did not exist.[1]

To maintain the "Compact Theory" it is necessary to show that the "Continental Congress" had no properly delegated

[1] As Lincoln expressed it in his message of July 4, 1861: "The States have their *status* in the Union, and they have no other legal status. . . . The Union is older than any of the States, and in fact, it created them as States."

national powers, and to it the character of a national government could not fitly be applied, and that the colonies when they separated from England remained independent of each other, because as colonies they had been independent. Therefore, that the initial clause of the Preamble to the Constitution "We the people of the United States" referred not to all the people of the United States in their collective capacity, but to the people of the several States.

In fine, admitting, as all do, the Continental Congress to have been a revolutionary body, exercising undelegated powers, the question is, Was it, or was it not, a *de jure*, as well as *de facto* national government, and this is a question that cannot be answered absolutely.

These opposing views of the character of our constitution have been stated not with the idea of proving either of them to be the correct one, but solely to indicate the lines along which political parties have fought their battles. Thus, it is hoped, the student will be prepared for an intelligent consideration of the various political parties that have existed in the course of his country's history.

To complete the statement of the underlying causes and fundamental principles that have directed the course of our national politics, it is necessary to give at least some short account of the natural causes that have operated irresistibly to divide the North and the South in their political thoughts and actions.

Why is it that slavery flourished in the South, but languished and was gradually abolished in the North? Why is it that the stronghold of the States' Rights doctrine of nullification and of secession was in the South, and the citadel of the Unionists in the North? Why is it that to-day the debate between high and low customs duties, is, to a very considerable extent, a discussion between the New England and Middle States and the Southern States?

To all these questions a very satisfactory answer can be found in the different physical characteristics of the North

and South. The nature of the soil and climate, as well as the character of the settlers, predetermined for the Southern colonies an agricultural character, and for the colonies of the North a commercial and industrial character; and, already by the end of the eighteenth century we find in them a marked difference of political and social life.

From the very start, the South, favored by a mild climate, rich soil, and broad, low-lying valleys, developed an agricultural life. Slavery was introduced at an early date, and flourished, the warm climate being congenial to the negro, and the rude manual labor of the field suited to his meagre capabilities. The result of these influences was to develop in the South a system of large ill-worked manors or estates. The predominence of slave labor, discouraged the immigration of free labor, and the South remained comparatively thinly settled. The moral effect of slavery upon the white population was bad. Habits of thriftlessness and laziness were engendered among the free population, and their social relations corrupted.

In the North, an indented coast with many good harbors, a rugged soil, and a wintry climate, encouraged the development of a commercial and manufacturing life. Slave labor here proved itself scarcely profitable, neither the climate nor the nature of the work required, being suited to the frames and abilities of the African. As compared with the South, the North soon became thickly settled, and largely as a result of this, adopted the small area of the town or township as its most important unit of local government, instead of the larger area, the county, used in the South. This essential difference in the system of local government in the North, from that of the South, has remained unchanged to this day, and has exercised great influence upon the political habits of the peoples of these two sections.

At the time of the adoption of the constitution, these differences between the northern and southern colonies were not so great as they were soon to become. As contrasted with the

North, the agricultural character of the South was already marked, but the designation of these two sections as "free" and "slave" states had not yet come into use. It was the remarkable development of the cultivation of cotton consequent upon the invention of Whitney's cotton gin in 1793, that gave the tremendous impetus to the increase of slavery in the South. While prior to the introduction of this machine, scarcely a single pound of cotton could be separated from the seed by a man in a day, Whitney's gin made it possible to prepare for market three hundred and fifty pounds per day. The nature of the cotton plant rendered it peculiarly fitted to the climate and soil of the South, and the ease with which it could be cultivated and prepared for market, made the application of slave labor extremely profitable. In 1789 many of the southern states exhibited evidences of a desire and intention to ultimately abolish slavery, but from this time we hear nothing more of this. After 1800 the number of slaves increased rapidly. The census of 1790 showed in the southern colonies 650,000, while that of 1820 showed the number to be over 1,580,000. From 1800 to 1865 the political life of the South is largely explainable by the interest of its people in, and devotion to, the institution of slavery.

The promptness with which, irrespective of party affiliations, the people of the North assumed the anti-slavery attitude and those of the South placed themselves under the pro-slavery banner, at the time of the Missouri contest in 1820, shows the extent to which these two sections of the United States were already divided upon this great question. The South, retarded in its growth by the employment of slave labor, as compared with the North already exhibited an example of arrested development, and her politicians saw that if the balance of power between the slave-holding and the non-slave-holding States was to be maintained, a wider field for the extension of their favorite institution would have to be provided. It is in the light of this motive that the desire of the South for the annexation of Cuba and of Texas, even at the expense of a

war with Mexico, is to be interpreted. The compromise of 1820 satisfied the demands of the slavocracy for a time, but only for a time. In 1850 the South again demanded, and obtained concessions. It required a civil war to demonstrate to us the futility of endeavoring to avert by compromise the conflict that was irrepressible between the North and South so long as slavery existed in the one, and was reprobated in the other.

The different attitudes assumed at the present day by the North and South in regard to the Tariff question, is explainable by the difference in the industrial life of these two sections. The North is essentially a manufacturing centre, and, as such, demands high import duties as a protection to her manufacturers and merchants. The South is, as a whole, agricultural, and favors low duties with the idea of thus extending foreign trade, and affording a larger market for the sale of her raw products. A striking proof of the influence of the industrial life of a section in determining its attitude towards the tariff, is seen in the change of front of Massachusetts after 1824 from free-trade to protection, this change being wholly due to the predominating influence acquired by her manufactures over her commerce and agriculture.

FINIS.

BIBLIOGRAPHICAL NOTES.

For the assistance of those who may desire a fuller acquaintance with the administrative methods of our Federal and State Governments than is to be obtained from this book, these bibliographical notes are appended. Not only the authorities actually consulted in the preparation of this monograph are given, but mention is also made of the most reliable and accessible sources of information upon the more important topics germane to the study of Government and Administration. In arrangement, the notes follow the order of topics used in the text.

General Works upon United States Government.

Worthy of first mention is the admirable work of James Bryce, *The American Commonwealth*, 2 vols., 1888. To the student of American institutions and administration these two volumes are indispensable. In them is contained the best and latest scientific exposition of our political institutions as they exist to-day. The only criticism that can be made regarding the work is that the executive departments have not received sufficient attention as regards the details of their administration, nor the practical and scientific value of the work performed by their numerous bureaus. Interesting from an historical point of view is De Tocqueville's *Democracy in America*, now fifty years old. Lalor's *Encyclopædia of Political Science, Political Economy and American History* is by far the best work for reference. The principal articles in the field of political science are contributed by Dr. J. C. Bluntschli, those upon United States History by the late Prof. Alexander Johnston, and those upon Federal Administration by A. R. Spofford, Librarian of Congress.

Bannatyne's *Hand-book of Republican Institutions in the United States* is an authoritative work based upon federal and state laws, and other authoritative sources of information. It is entirely descriptive and very complete. Other general works are Mulford's *The Nation: the Foundation of Civil Order and Political Life in the United States;* Laboulaye's *Histoire Politique des Etats-Unis*, 3 vols.; and Lamphere's *The United States Government: Its Organization and Practical Workings*, this last being chiefly valuable for its statistical and tabulated information.

Among foreign works that consider the theory and practice of the United States Government, are Bagehot's *English Constitution;* Sir Henry Maine's chapter on the *Constitution of the United States* in his *Popular Government;* E. A. Freeman's article *Presidential Government* contained in his *Historical Essays* (1871); Lord Brougham's chapter on the *Government of the United States* in his *Political Philosophy*, Vol. 3; and E. Boutmy's *Etudes de droit Constitutionel.* For current political information McPherson's *Hand-book of Politics*, issued every two years since 1870, is valuable. Besides statistical information regarding government revenues and expenditures, public debts, votes, population, names of congressmen, &c.; these hand-books contain Presidential and Gubernatorial messages, transcripts from the *Congressional Record* relating to leading matters discussed in Congress; and decisions of the Supreme Court that are of general importance. *The Statesman's Year-Book*, published annually by Macmillan & Co., is valuable for reference in matters concerning both foreign and American governments. Bibliographical references are also given to each existing government.

John Fiske's recent volume on *Civil Government in the United States*, stands in merit far above other manuals bearing this name, most of which are simply running commentaries on the constitution. An excellent feature of Mr. Fiske's book is the addition of bibliographical notes at the ends of the chapters.

The following are manuals that may be recommended as of comparative merit: Macy, *Our Government: How it Grew, What it Does, and How it Does it;* Cocker's *Civil Government;* Thorpe's *Government of the People of the United States;* Martin's *Civil Government*, and Ford's *American Citizens' Manual.*

The most complete collection of bibliographical references to the Constitution of the United States is that prepared by W. E. Foster, and published as *Economic Tract* No. XXIX, by the "Society for Political Education," New York.

GOVERNMENT.

Dr. J. C. Bluntschli's *Lehre vom Modernen Stat*, in three volumes, gives the finest treatment of the various forms and general principles of governments. A portion of Dr. Bluntschli's work has been translated into English and published under the title *The Theory of the State.* There is also a French translation of this work. Other authorities under this head are: Bluntschli's *Staatswörterbuch;* Woolsey's *Political Science, or the State Theoretically and Practically Considered;* and Montesquieu's *De l'Esprit des Lois.* Interesting from an historical point of view, are the theories contained in the works of political philosophers in the past. See Plato's *Republic;* Aristotle's *Politics;* Cicero's *De Republica;* Thomas Aquinas' *Of the Government of Principles;* Dante's *De Monarchia;* Machiavelli's *Prince;* Jean Bodin's *Of the Commonwealth;* Hobbes' *Leviathan;* Filmer's *Patriarcha;* Hooker's

Ecclesiastical Polity; Locke's *Civil Government;* J. J. Rousseau's *Social Contract;* Bentham's *Fragment on Government;* J. S. Mills' *Representative Government.*

Pollock's *History of the Science of Politics,* published in the "Humboldt Library," contains an admirable summary of the views of these political philosophers.

The works of several of these authors (Hobbes, Hooker, Locke, Filmer, Machiavelli) are contained in "Morley's Universal Library," published by Routledge at one shilling per volume.

For theories regarding the origin and development of government, see Maine's *Ancient Law, Early History of Institutions,* and *Early Law and Custom;* Spencer's *Principles of Sociology,* Vol. I; Morgan's *Ancient Society;* McLennan's *Studies in Ancient History,* and *The Patriarchal Theory;* and Bagehot's *Physics and Politics,* published in the Humbolt Library. The contract theory of government is presented in various forms in the works of Hobbes, Hooker, Locke and Rousseau.

Functions of Government.

The proper limits of state action are discussed in Mill's *Essay on Liberty;* Huxley's *Administrative Nihilism* (Humboldt Lib.); Spencer's *Social Statics, Man versus the State, The Coming Slavery,* and *The Sins of Legislators* (Humboldt Lib.); Stephen's *Liberty, Equality, Fraternity;* Humboldt's *Sphere and Duties of Government;* and H. C. Adams' *State in Relation to Industrial Action,* published by the American Economic Association. Wilson's *The State* contains a valuable chapter upon the functions of government. For a description of existing forms of government, Prof. Woodrow Wilson's *The State* is very valuable. See also *Statesmen's Year Books.*

Colonial Governments.

Volumes III, IV, and V of Winsor's *Narrative and Critical History of America,* 8 vols., contain excellent monographs upon the founding, history and nature of government of the various colonies. Doyle's two volumes, entitled *The English Colonies in America,* present an exhaustive study of the American colonies from an European point of view. A handy digest of this work is contained in his small *History of the United States,* published as one of the volumes in "Freeman's Historical Course for Schools." Lodge's *Short History of the English Colonies in America* is chiefly devoted to colonial social life. In the preparation of the chapter upon Colonial Governments, we have obtained the most assistance from the first volume of Story's *Commentaries upon the Constitution.* Pages 15 to 50 of Hannis Taylor's *Origin and Growth of the English Constitution* are important. Fiske's *Beginnings of New England* is an extremely interesting description of the early history of a single section.

Steps Toward Union and Independence.

See especially Story's *Commentaries;* Frothingham's *Rise of the Republic of the United States;* Scott's *Development of Constitutional Liberty in the English Colonies in America;* Fiske's *Critical Period of American History;* and A. B. Hart's *Formation of the Union,* 1763–1829, to appear in the series, "Epochs of American History." For the Albany plan of union see Franklin's *Life and Letters,* Vol. 4. For an account of the causes leading to revolution written from an essentially English standpoint, see Lecky's *History of England in the Eighteenth Century,* Vol. IV.

Articles of Confederation.

Best upon this subject are: Curtis' *History of the Constitution;* Marshall's *Life of Washington;* Bancroft's *History of the United States;* and Winsor's *Narrative and Critical History of America,* Vol. VII, article *The Confederation* by the Editor. See also *Secret Journals of Congress,* and authorities cited above.

Constitutional Convention and the Adoption of the Constitution.

See authorities cited above, and J. A. Jameson's *Treatise on Constitutional Conventions.* The official sources of information are: the meagre *Journal, Acts, and Proceedings of the Convention;* and Elliot's *Debates in the Several State Conventions on the Adoption of the Federal Constitution, * * * * together with the Journal of the Federal Convention,* the last volume of which contains Madison's notes of *Debates in the Federal Convention,* frequently called *The Madison Papers.*

The Constitution.

The number of valuable works concerned more or less directly with a study of the Constitution is very great. Only a very few can be mentioned. A very complete list of references to the Constitution, is that by W. E. Foster, already referred to. The leading works upon Constitutional Law are Cooley's *General Principles of Constitutional Law,* and *Constitutional Limitations;* Von Holst's, Hare's and Pomeroy's treatises on Constitutional Law. Story's *Commentaries on the Constitution* are invaluable. The character and value of *The Federalist* have been noticed in the text (p. 25). On Constitutional Amendments, see Johnston's article on *Amendments* in Lalor's *Encyclopædia.* Concerning Constitutional developments, due to judicial construction, see Willoughby's *Supreme Court of the United States: its History and Influence in our Constitutional System,* published in the Johns Hopkins Studies, Extra Vol. VII; and *The Constitutional History of the United States as Seen in the Development of American Law,* by Judge Cooley and others, edited by H. W. Rogers. *The Unwritten Constitution of the United States,* is the title of a very recent book by C. G. Tiedeman.

For constitutional development due to war experiences, see Dunning's *United States in Civil War and in Reconstruction*. W. E. Foster has in press a pamphlet of references on *The United States Constitution in Civil War*.

On Federal Government, see Jellinek's *Die Lehre von den Staatenverbindungen;* and Hart's *Introduction to the Study of Federal Government*, Harvard Historical Monographs, No. 2. Besides giving an outline of the political history of the successive federations in the world's history, with an account of the literature upon each, Mr. Hart's monograph contains a very excellent bibliographical note on Federal Government in general, and the United States Constitution in particular.

The laws of the United States are known as *United States Statutes at Large*. In 1878 was published a large volume containing all Federal laws in force in 1874. In 1881 was published a Supplement (known as *Richardson's Supplement*) containing congressional legislation during the years 1874–1881.

Congressional Government.

The official reports of the debates of Congress have been published under the following titles: *Annals of Congress* (1789–1823), *Congressional Debates* (1824–1837), *Congressional Globe* (1833–1873), *Congressional Record* (1873 to the present time). Benton's *Abridgment of Debates* in 16 volumes covers the period 1789 to 1850.

McPherson's *Handbook of Politics*, already cited, contains accounts of the more important debates in Congress. Printed copies of bills and reports of committees can be obtained upon application. For the best descriptions of the practical working of Congress, see Bryce's *American Commonwealth*, and Woodrow Wilson's *Congressional Government*. In both of these works our committee method of congressional legislation is compared with the English method of Parliamentary legislation under the leadership of a responsible ministry. The conclusions obtained from this comparison by the latter author, are especially unfavorable to the United States. Other references to works comparing English and American methods of legislation, are Snow's *Defence of Congressional Government*, published in the papers of the American Historical Association, Vol. IV; A. L. Lowell's *Essays on Government;* Bagehot's *English Constitution;* Bourinot's article, *Canada and the United States, Scottish Review*, July, 1890, and Annals of the American Academy of Social Science, No. I; and an article by Hon. Joseph Chamberlain, *Shall We Americanize Our Institutions?* Nineteenth Century, December, 1890. *The Congressional Directory*, published annually, contains much handy information regarding the constitution and officers of Congress, and of the various federal departments at Washington. For an account of the work done during the last session (1889–90), see *North American Review*, November, 1890. Regarding the recent controversy on the power of the Speaker of the House of Representatives to count as present members in the hall, but not answering to the roll-call, see the *North American Review* for

October, 1889; the Nos. for March, May, July, August and October, 1890, also contain interesting articles on the same subject.

Executive Departments.

Of especial and authoritative value is the report of a select committee of the Senate to *Enquire into and Examine the Methods of Business and Work in the Executive Departments*, in 3 vols., known as Cockrell's Report, or Senate Report 507, 50th Cong., 1st Sess., and also a supplementary report in one volume, dated March 28, 1889. For other official sources of information, see the annual reports of the various departments, and of the individual bureaus. See also special reports mentioned in the text. On diplomatic relations, see the annual report of the Secretary of State *On Foreign Relations*, and *Treaties and Conventions between the United States and Other Powers* (1776–1887), published by the same department. The *Consular Reports*, issued from time to time by the State Department, are of value as furnishing economic information regarding foreign countries. The reports of the Secretary of the Treasury are of extreme statistical and financial value. For handy use the *Statistical Abstract* is issued annually by the Treasury Department. The reports published by the Department of State, of the *International Conferences of 1878*, and of *1881*, and that of Edward Atkinson on *The Present Status of Bimetalism in Europe* (1887), are of especial value upon monetary topics. In 1886 the Treasury Department issued a volume of *Laws Relating to Loans, and the Currency, Coinage and Banking*. Besides his annual report the Director of the Mint publishes annually a report on the *Production of Gold and Silver in the United States*. For an account of the Sub-Treasury system, see Bolle's *Financial History of the United States*. Concerning the evils of this system, see an article by Prof. J. L. Laughlin in the *North American Review*, Vol. 137, p. 552.

Regarding the Silver Question and other important public questions coming within the province of the Treasury Department, information can be derived from recent periodicals. Poole's *Index to Periodical Literature* should also be consulted. An interesting account of the Pension Office is contained in the *Atlantic Monthly*, January, 1890. Regarding the Interstate Commerce Commission, see the book by Don Passos in Putnam's "Questions of the Day" series. See also Political Science Quarterly, Vol. II, pp. 223 and 369.

The Eleventh Census is now being compiled, and Bulletins are issued from time to time by the superintendent. Postmaster-General Wanamaker has recently issued a pamphlet in support of a *Limited Post and Telegraph*.

Concerning the constitutional powers possessed by executive officers, see A. Conkling's *Powers of the Executive Departments*; de Chambrun's *The Executive Power*, and chapter VII of Willoughby's *Supreme Court of the United States*. The *Official Register of the United States*, issued annually in two large volumes, contains the names and positions of all persons in federal employment. The second volume is devoted exclusively to the Postal Service.

Very many of the government reports mentioned in this note will be sent to any address upon application.

A descriptive catalogue of all government publications arranged in chronological order, from 1774 to 1881, was prepared by B. P. Poore and published by the government.

Federal Judiciary.

Among the treatises upon the practical working of the Federal Judiciary are: B. R. Curtis' *Federal Courts;* Bryce's *American Commonwealth;* and Willoughby's *Supreme Court of the United States*, already referred to. For an excellent description of the relations between the Federal and State courts, see Chamberlain's lecture published in *The Constitutional History of the United States as seen in the Development of its Law.* The reports of decisions of cases tried in the Supreme Court are contained in one hundred and thirty-three volumes. Until 1875, these volumes were known by the names of the reporters, viz.: Dallas, Cranch, Wheaton, Peters, Howard, Black, and Wallace. Since 1875 they have been designated simply as *United States Reports.*

Ordinance of 1787.

For text and comments see *Old South Leaflet* No. 13 (Heath & Co., price five cents). For *The United States Constitution and the Ordinance of* 1787 *in Relation to Education*, see Magazine of American History, September, 1888. See also Papers of the American Historical Association, Vol. III; pamphlets by Dr. Poole and F. D. Stone, and Sato's *History of the Land Question in the United States*, Johns Hopkins University Studies, Series IV.

Territories.

The reports of the Governors of the various territories to the Secretary of the Interior furnish an official source of information. Regarding the government of, and conditions of admission of territories as States, see especially Bannatyne's *Republican Institutions in the United States.*

State Governments.

For the text of State constitutions see B. P. Poore's *Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States*, in two vols. (1877), published by the government. For further information regarding State constitutions consult Davis' *American Constitutions*, in the Johns Hopkins University Studies, Series III; Jameson's *Introduction to the Constitutional and Political History of the States*, Johns Hopkins University Studies, Series IV; and Hitchcock's *American State Constitutions* (Putnam's "Questions of the Day" series). See also of course Bryce's *American Commonwealth.* For *Recent Tendencies in State Activities*, see paper

by W. F. Willoughby, to be published in the "Papers of the American Historical Association," Vol. V., and articles by Dr. Albert Shaw, entitled *American State Legislatures*, in Contemporary Review, October, 1889, and *The American State and the American Man*, in the same review for May, 1887. The *Forum* for November, 1890, contains an interesting description of the *Six New States*, by Senator Cullom. For histories of the individual States, see the series of "American Commonwealths," edited by H. E. Scudder, and published by Houghton, Mifflin & Co. Those for Connecticut, Indiana, Michigan, Missouri, Kansas, California, Maryland, Kentucky, New York, Ohio, Colorado, Oregon, and Virginia, have already appeared.

Local Government.

Among authorities on Local Government are various monographs upon this subject in the several States, contributed to the *Johns Hopkins University Studies in Historical and Political Science*. See also Bryce and Bannatyne.

City Government.

See J. H. U. *Studies*, Vol. IV, Nos. 4, 10; Vol. V, Nos. 1, 2, 3, 4; Vol. VII, Nos. 1, 3, 4. Also supplementary volume, *Philadelphia, 1681–1887: a History of Municipal Development*, by Allinson and Penrose. Simon Sterne has an able article on "Cities" in Lalor's *Encyclopædia*. See also chapters in Bryce's great work, and articles in the Political Science Quarterly for June, 1887, and June, 1889; Forum, Vol. II, pp. 260, 539; and Quarterly Journal of Economics, January, 1890.

The report of the New York Commission on "*A Plan for a New Government of New York*," 1876, is valuable, as are also several of ex-Mayor Hewitt's messages. Prof. Gniest has a suggestive article on Berlin, the best governed city in the world, in the *Contemporary Review*, Vol. 46. Shaw's article on Glasgow in the Century, March, 1890, is likewise instructive. Spofford's *City of Washington and Growth of United States Cities* is interesting. Ely's *Taxation in American States and Cities* contains many excellent suggestions for improvements in our methods of municipal administration. See also Ely's *Problems of To-day*. Putnam is publishing a series entitled *Great Cities of the Republic*. The Stories of New York, Boston and Washington have thus far appeared.

Government Revenue and Expenditure.

Federal and State finance reports furnish official information. Seligman's *Finances of American States and Cities*, published by the American Statistical Association, 1890, is valuable, and furnishes excellent statistical and tabulated information. Ely's *Taxation in American States and Cities* contains much information. Spofford's article on *The Budget* in Lalor's *Encyclopædia* is extremely instructive. H. C. Adams' *Public Debts* is one of the ablest

financial works in the English language. The proper administration of Federal and State finances is discussed, and the subject of national and local debts considered. Bolle's *Financial History of the United States*, in three large volumes, is an able work, and can be consulted with profit.

Census Bulletins, Nos. 6 and 7, describe respectively *The Indebtedness of States in 1880 and 1890*, and *The Financial Condition of Counties.*

Money.

See reports of the Director of the Mint, and of the Comptroller of the Currency. See also Knox's *United States Notes;* Sumner's *History of American Currency*, and text-books on *Political Economy.*

Public Lands of the United States.

Sato's *History of the Land Question in the United States*, Johns Hopkins University Studies, Series IV, is the best book for reference. The official source of information regarding the public lands is Donaldson's enormous report of 1341 pages on *The Public Domain: its History with Statistics* (1884), published by the government (House Executive Documents 47, Part 4, 46th Congress, 3d Session.) For a short account of *The Disposition of Our Public Lands*, see an article by A. B. Hart, in the Quarterly Journal of Economics, January, 1887. Statistical tables are appended to this article.

Reconstruction.

See Johnston's article in Lalor's *Encyclopædia*, and authorities there cited. Also McPherson's *History of Reconstruction*, Dunning's *United States Constitution in Civil War and in Reconstruction*, and W. E. Foster's *References on the United States Constitution in Civil War*, about to be published (1891).

Party Machinery and National Conventions.

See especially Bryce's *American Commonwealth*, and Ostrogorski's *Organisation des parties politiques aux Etats-Unis.* On the Caucus see Whitridge's *The Caucus System*, published as "Economic Tract" No. 8, by the Society for Political Education, New York.

Political Parties.

Winsor's *Narrative and Critical History of America* contains a short history of political parties by Professor Alexander Johnston. See also Johnston's admirable manual, *History of American Politics*, a book especially adapted for school use. Von Holst's *Constitutional and Political History of the United States*, six volumes, contains the most comprehensive treatment of the history

of political parties. Schouler's *History of the United States under the Constitution*, is an exceedingly able and interesting work. Four volumes bring this history down to 1847. The fifth volume soon to appear, will bring the narrative down to the Civil War.

The first volume of Von Holst is especially interesting, as giving statements of the various theories held regarding the origin and nature of our constitution. Upon Nullification and Secession, see Von Holst's *Life of Calhoun;* Stephens' *War between the States;* Greeley's *American Conflict;* McPherson's *Political History of the Rebellion;* and articles in Lalor's *Encyclopædia.* The *American Statesman Series*, now being published by Houghton, Mifflin & Co., contains valuable biographies of leading American statesmen. See especially in this series Schurz's *Henry Clay;* Morse's *Jefferson;* Lodge's *Webster;* and Von Holst's *Calhoun.* Upon the Economic contrasts between the North and South, see Von Holst's Constitutional History, Vol. I, Chapters IX and X. Taussig's *History of the Tariff*, gives the best history of this much debated subject.